Tuesday
15th May, 1956

PARLIAMENTARY DEBATES

HOUSE OF THE PEOPLE

OFFICIAL REPORT

(Part I- Questions and Answers)

1956

PARLIAMENT SECRETARIAT
NEW DELHI

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GIPN-S3-146 Lok Sabha 564—21-3-57-840

LOK SABHA DEBATES
(Part I—Questions and Answers)

Acc. No. ..... Dated 30.03.201

LOK SABHA

Tuesday, 15th May, 1956

The Lok Sabha met at Half Past Ten of the Clock.

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

DIESEL RAIL CARS ON NORTHERN RAILWAY

***2198. Shri D. C. Sharma:** Will the Minister of **Railways** be pleased to state:

(a) whether Government propose to introduce Diesel Rail Cars on the Northern Railway during the Second Five Year Plan period; and

(b) if so, the total number of the cars to be introduced?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Six new Metre Gauge Diesel Rail Cars have been put into service on the Northern Railway from 20-3-1956.

(b) On receipt of Broad Gauge Diesel Rail Cars on order, it is proposed to put into service 12 on the Northern Railway.

Shri D. C. Sharma :May I know how many Diesel cars are going to be ordered during the second Five Year Plan and what will be the date of arrival?

Shri Alagesan: As it is, we have ordered 24 M.G. and 24 B.G. Rail Cars. As I had occasion to point out several times on the floor of this House, these are being tried on an experimental basis. After the results are known, we will decide about future orders.

Shri D. C. Sharma: May I know how long this experiment will last and whether some scientific assessment of this experiment has been arrived at?

Shri Alagesan: I am told—I am not a technical man myself—that the mechanical drive in these cars is of a new type. They have just been put on the Southern Railway and the Northern Railway. They are also going to be tried on the North Eastern Railway. After some time lapses, then only, we can be sure of the results.

ZOO AT DELHI

***2201. Shri Ram Krishan:** Will the Minister of Food and Agriculture be pleased to state:

(a) at what stage is the proposal for the establishment of a zoological park at Delhi;

(b) whether it is a fact that Government have entrusted to a German firm the work of constructing the zoo; and

(c) if so, the terms of the agreement?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) A decision to establish a Zoological-cum-Botanical Park in Delhi has been taken. A site extending over 240 acres around the Purana Qila has been selected and partly occupied. A nucleus staff has been appointed and preliminary work *e.g.*, construction of roads, staff quarters, establishment of nursery etc. is in progress.

(b) and (c). No, Sir. The Zoo will be constructed through the C.P.W.D. The German Experts were invited for preliminary discussion before they are entrusted with preparing the lay-out and detailed designs of the Zoological Park. Government have not yet taken a final decision on this point.

श्री रामकृष्ण : इस स्कीम पर कुल कितनी लागत आयेगी?

डा० पी० एस० देशमुख : इस के पूरे होने में तो कई साल लगेंगे । अन्दाजा है कि सैकिंड फाइव इअर प्लान में इस पर ५० या ६० लाख रुपया खर्च होगा।

Shri N. Rachiah: May I know whether they are going to start such parks in other important cities of the country?

Dr. P. S. Deshmukh: No, Sir. This is the only one.

श्री विभूति मिश्र : मैं यह जानना चाहता हूं कि सरकार जो यह संस्था बना रही है इसमें कितना रिकरिंग खर्चा होगा और कितना नान-रिकरिंग खर्चा होगा ?

खाद्य और कृषि मंत्री (श्री ए० पी० जैन) : उन्होंने यह अन्दाजा लगाया है कि इसमें एक मिलियन स्टर्लिंग के करीब खर्चा होगा । रिकरिंग खर्च का अभी कोई अन्दाजा नहीं लगाया गया है ।

श्री बंसल : मंत्री महोदयने कहा था कि इस में कोई बाहर का फर्म काम नहीं करेगा, मगर दूसरे मंत्री जी ने कहा कि इसमें एक मिलियन पाउंड खर्चा होगा । अगर रुपया हिन्दुस्थान में ही खर्च होना है तो एक मिलियन पाउंड कैसे खर्च होगा यह मेरी समझ में नहीं आ रहा है ।

श्री ए० पी० जैन : चूंकि यह अन्दाजा बाहर के एक्स्पर्ट ने लगाया है इसलिए उन्होंने एक मिलियन पाउंड कहा है। इसके आप रुपयें बना लीजिये, कोई एक करोड और बीस या तीस लाख रुपये होंगे ।

Shri G. S. Singh: May I know whether Government have any scheme for procuring local and indigenous fauna and animals from other countries?

Shri A. P. Jain: We are collecting indigenous fauna and we are also negotiating with other countries for the import of foreign fauna.

Shri V. P. Nayar: I would like to know whether it is a fact that the animals in this Zoo will be kept in their natural surroundings an environment instead of in cages and I also want to know whether the Government have any scheme for having a representative of each of the varieties of birds in India?

Shri A. P. Jain: Mr. Carl. Hagenbeck who is our consultant belongs to a family of Zoo specialists who have invented the keeping of animals in their natural surroundings and the idea is to keep them in their natural surroundings. As for the birds, they will be kept and we will have to work out the details.

Shri D. C. Sharma: May I know why Delhi has been selected for this purpose and why some other place near some forest should not have been selected for the purpose?

Shri A. P. Jain: To provide amusement to the hon. Member and his friends.

Saurashtra Railway Embezzlement Case

***2204. Shri T. B. Vittal Rao:** Will the Minister of **Railways** be pleased to state:

(a) whether the amount involved in the embezzlement by the four gazetted officers of ex-Saurashtra Railways was originally estimated to be Rs. 20 lakhs; and

(b) if so, the circumstances under which it was scaled down to Rs. 13 lakhs?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) No.

(b) The allegation is not of embezzlement but of irregular purchases. The total value of the direct purchases made by the ex-Saurashtra Railway officers by alleged misuse of their powers, amounted to Rs. 13,07,198/8/-. The Auditor General has estimated the loss involved at Rs. 5,23,792.

Shri T. B. Vittal Rao: Since the findings of the departmental enquiry committee have been accepted by the Railway Board and they have recommended to the Union Public Service

Commission for the dismissal of this officer, may I know whether a copy of the findings of the enquiry will be laid on the Table of the House?

Shri Alagesan: These are departmental enquiries and it is not the practice to lay reports of departmental enquiries on the Table of the House.

Shri T. B. Vittal Rao: May I know the main objection for laying it on the Table of the House?

Mr. Speaker: He has said that the practice is not to lay such reports on the Table of the House.

Shri T. B. Vittal Rao: There has been a lot of corruption.....

Mr. Speaker: Whatever it may be.

Shri T. B. Vittal Rao: It has been going for 5 years.

Mr. Speaker: We are not arguing it here.

Shri T. B. Vittal Rao: May I know if Mr. Shareen, who enquired into this case has suggested any measures for preventing misappropriation or embezzlement of this nature?

Shri Alagesan: It is a case where the officers concerned tried to by-pass the rules by various malpractices. I am not able to say at present whether the officer who enquired has recommended any other measure.

Thakur Jugal Kishore Sinha: What is the objection to begin the practice of laying these reports on the Table?

Mr. Speaker: Very well; a suggestion has been made and the hon. Minister will consider.

EMPLOYEES PROVIDENT FUND ACT

***2205. Shri Gadilingana Gowd:** Will the Minister of **Labour** be pleased to state:

(a) whether the Government of India, have under consideration the extension of the Employees Provident Fund Act, 1952, to tea, rubber, cardamom, coffee and pepper plantations in the country;

(b) whether the Central Provident Fund Commissioner has conducted a survey of plantations in this connection;

(c) if so, the main features of this survey; and

(d) whether Government have sought the opinion of the Indian Coffee Board in this matter?

The Deputy Minister of Labour (Shri Abid Ali): (a) Yes.

(b) Yes.

(c) The survey was confined to the plantations which employ 50 or more persons. The report indicates that the number of employees likely to be eligible for membership of the Fund on extension of the Employees' Provident Fund Act to the 5 classes of plantations would be 6·86 lakhs forming 72% of the total employment strength of all plantations. The total employers' and employees' contributions at the rate of 6¼% will be about Rs. 32,82,309 per month.

(d) Yes.

Shri Gadilingana Gowd: We have been hearing about the extension of this scheme to other industries for the past one year. May I know the reasons for this delay?

Shri Abid Ali: Considerable preliminary work had to be carried on to find out the location of the work, the number of workers eligible etc. That is being done. Also we had to consult the interests concerned. After these preliminaries are over, the scheme will be made applicable to other industries as well.

Shri Gadilingana Gowd: May I know at what stage the recommendations made by the board of trustees for the liberalisation of the provident fund scheme in favour of the employees stand?

Shri Abid Ali: In what respect I should like to know.

Shri Gadilingana Gowd: Liberalisation.

Shri Abid Ali: I should like to know in what respect.....

Shri Gadilingana Gowd: For forfeiture of the provident fund.

Shri Abid Ali: That question is being considered.

Shri Kelappan: The Deputy Minister stated that the India Coffee Board was consulted. May I know what their opinion was?

Shri Abid Ali: They stated that the majority of the growers of their members want that the scheme should not be introduced at present, and if it is introduced, any gardens employing less than 100 workers should not be touched.

Shri P. C. Bose: May I know what percentage of the labourers employed in the plantation industry will be covered by the scheme?

Shri Abid Ali: Out of about 9 lakhs workers, 6,86,000 will be covered.

Shri P. C. Bose: What is the reason for leaving out the 2 lakhs and odd labourers?

Shri Abid Ali: Most of them are not eligible because they have not completed one year's service. And some of them are drawing more than Rs. 300 per month. The scheme is applicable only to those whose emoluments are up to Rs. 300 per month. However, we are extending the scheme to workers drawing up to Rs. 500 per month and when that will be done more workers would be covered.

Shri N. M. Lingam: May I know if a survey of the tea industry was carried out by the Commissioner and whether the Tea Board was consulted in the matter?

Shri Abid Ali: We consulted the representatives of the plantations in all the five sections, and we carried out the survey in the tea plantations also.

Shri K. P. Tripathi: May I know if it is a fact that the Assam Government has already been permitted to introduce the provident fund scheme in tea plantations, and in view of this may I know whether the consultations now being carried on are on the question whether provident fund should be introduced at all or whether they are trying to find out merely the proper time at which it should be introduced?

Shri Abid Ali: The provident fund scheme was applied to plantation workers in Assam last year in June or July. When this scheme will come into force, that Act would be repealed and the workers in Assam will be covered by the Central Provident Fund Act.

श्री विभूति मिश्र : क्या सरकार चीनी मिलों के मजदूरों को प्राविडेंट फंड (भविष्य निधि) दिलाना चाहती है जैसे कि बिहार में कुछ चीनी मिलें आई० एन० टी यू० सी० की प्रेरणा से प्राविडेंट फंड दे रही है?

श्री आबिद अली : जी, हां, चीनी के कारखानों में काम करने वाले कामगारों पर भी यह स्कीम लागू कर दी जायेगी ।

Shri K. P. Tripathi: I did not understand how the point of enquiring the Coffee Board comes in. This matter was discussed in the Standing Committee and the Committee stated that it should be introduced. After that decision there is no point in again enquiring of the Tea Board or other Board whether the scheme should be introduced. The only point for enquiry.....

Mr. Speaker: But what is the question?

Shri K. P. Tripathi: What is the point of the enquiry and what is the scope of the enquiry?

Mr. Speaker: What is the need for this enquiry?

Shri Abid Ali: It is our practice to consult the interests concerned whenever any extension of this Act is contemplated. Of course, their opinion has been taken but the opposition has not influenced us.

Shri T. B. Vittal Rao: The Deputy Minister says that some interests have been consulted. All those interests are represented at the Indian Labour Conference. Again, at the States Ministers'

Conference this was discussed. Already one year has elapsed and the workers are losing. Could I know precisely the difficulty faced by the Government except yielding to the pressure of the employers?

Shri Abid Ali: Apart from other difficulties, the main difficulty for non-application of the Act to the plantation workers is that the Act itself has to be amended. The other Bill which we have introduced here in the month of September has not come up for discussion till today. Even if we want to apply the Act to the plantation workers, we cannot do it unless the Act is amended. So, I would request the hon. Members to help us to accelerate the disposal of business so that we may be able to make the Act applicable to more and more workers.

Shri T. B. Vittal Rao: On a point of order, Sir. If the Bill has not been introduced, how can we pass it?

Mr. Speaker: Let us consider it separately.

Railway Employees

***2206. Shri H. N. Mukerjee:** Will the Minister of **Railways** be pleased to state whether it is a fact that signallers of Eastern Railway have not received certain benefits accorded to corresponding categories of workers in certain other Railways?

The Deputy Minister of Railways and Transport (Shri Alagesan): Government have no information about Signallers of the Eastern Railway being denied any benefits.

Shri H. N. Mukerjee: May I know if Government has received certain representations from the signallers of Eastern Railway regarding alleged stoppage of increment and the obligation of tests additional to the usual efficiency tests?

Shri Alagesan: We do not have any information to that effect. Perhaps they have been addressed to the Railway Administration.

Shri N. B. Chowdhury: May I know whether there is a fixed quota for promotions to higher posts so far as signallers in the Eastern Railway are concerned?

Shri Alagesan: There are a certain number of head signallers' posts for which promotions are made.

Shri N. B. Chowdhury: May I know whether Government has any figure regarding the number of promotions given during last year?

Shri Alagesan: I want notice.

Shri S. C. Samanta: Is it not a fact that signallers serving in the different Railways for the same period are not being given promotion suitably?

Shri Alagesan: It is too wide a question. This refers to the Eastern Railway. I do not have any information on those details.

Shri S. C. Samanta: Is it not a fact that some representations have come to Government about the disparities that are found in the Eastern Railway and the South-Eastern Railway?

Shri Alagesan: I have already said that we did not receive any such representations.

रेलवे यात्रा में सुधार

*२२०९ **श्री अनुरुध्द सिंह** : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि रेलवे महाखण्डों (जोनों) की ओर से रेलवे यात्रा में सुधार और विकास करने की दृष्टि से यात्रियों की राय जानने के लिये जवाबी पोस्टकार्ड भेजे गये थे; और

(ख) यदि हां, तो कितने कार्ड भेजे गये थे और कितनों के उत्तर मिले हैं और उत्तरों की विषय-वस्तु क्या है ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन) : (क) तथा (ख). जी, हां। सातों रेलों कुल मिलाकर लगभग ७०,००० जवाबी पोस्ट कार्ड बांटे गये थे । इन म लोगों से रेलवे में सुधार

के लिए सुझाव मांगे गये थे । रेलों को कुल कितने जवाब मिले और उनमें क्या सुझाव दिये गये हैं इसकी सूचना मंगायी जा रही है और यथा समय सभा-पटल पर रख दी जायेगी ।

श्री अनिरुद्ध सिंह : क्या मैं जान सकता हूं कि जवाब और सुझाव आने पर उनका वर्गीकरण किया जायेगा और उनके सुझावों को काम में लाने का प्रबन्ध किया जायेगा ?

रेलवे तथा परिवहन मंत्री (श्री एल० बी० शास्त्री) : सुझाव मांगे इसीलिये गये हैं कि उन पर विचार किया जाये और जो माकूल सुझाव हों उन पर अमल किया जाये ।

पंडित डी० एन० तिवारी : क्या यह भी राय है कि जवाब आने के बाद और उनका वर्गीकरण हो जाने के बाद एक कमेटी बिठाई जायेगी जो इस मामले की जांच करके अपनी राय देगी ?

श्री एल० बी० शास्त्री : अभी ऐसा कोई इरादा नहीं है ।

Thefts of Copper Wires

*2210. **Thakur Jugal Kishore Sinha:** Will the Minister of **Communications** be pleased to refer to the reply given to Unstarred Question No. 922 on the 11th April, 1956 and state the nature of the other measures adopted to discourage the theft of copper-wire?

The Minister in the Ministry of Communications (Shri Raj Bahadur): The other steps which are being taken to control the copper wire thefts are:—

(i) Wrapping barbed wire on the posts in areas where thefts are frequent;

(ii) Use of copper weld wire in place of copper wire;

(iii) Double binding of wires at the insulators to prevent easy removal from the alignment; and

(iv) Telephone facilities to Police Thanas to facilitate quick contact.

ठाकुर युगल किशोर सिंह : ये जो स्टेप (कदम) लिए गए हैं इनके कारण चोरियों का होना कहां तक बन्द हुआ है ?

श्री राज बहादुर : मुझे यह प्रकट करते हुए खेद होता है कि जिस हद तक हम चोरियों को बन्द करना चाहते थे, उस हद तक हम नहीं कर पाये हैं ।

श्री रघुनाथ सिंह : क्या मैं जान सकता हूं कि इन चोरियों की संख्या क्या थी ?

श्री राजबहादुर : १९५५ में ३६५ दिनों में २६६ मर्तबा ऐसी चोरियां हुईं और उससे तारों में गड़बड़ी हुई ।

सेठ अचल सिंह : क्या मैं जान सकता हूं कि इन चोरियों के कारण गवर्नमेंट को कुल कितने रुपये की हानि पिछले साल उठानी पड़ी ?

श्री राज बहादुर : रुपये की मात्रा में नहीं बता सकता हूं ।

Shri Kasliwal: Last year we passed a Bill in this House under which thefts of this kind were made an offence. May I know whether any convictions took place according to that?

Shri Raj Bahadur: The Act was passed as far back as 1950. In 1953 we only passed an amending measure. According to that measure, the mere possession of copper wire of particular gauges will be considered to be an offence and the onus of proof that the particular type of wire was obtained by lawful means will rest on the accused. In spite of that, we have not been able to make much headway in the control of these thefts because the wire itself is melted before we can catch hold of the culprits.

Mr. Speaker: How many convictions have been made? That is his question.

Shri Raj Bahadur: I have not got the figure.

Shri V. P. Nayar: Is it a fact that the theft is the highest in the section between Dhanbad and Asansol and if so what steps have been taken to tighten up security measures in this region?

Shri Raj Bahadur: The sections between Patna and Banaras and between Banaras and Lucknow are the most affected ones.

श्री रघुनाथ सिंह : जो थैफ्ट (चोरी) हुआ वह बीयोंड बनारस (बनारस से आगे) हुआ या इधर हुआ ?

श्री राजबहादुर : मैंने कहा है कि पटना-बनारस और बनारस-लखनऊ इन दो सैकशंस पर सबसे ज्यादा थैफ्ट हुए ।

Shri Gidwani: I request that questions 2211 and 2232 may be taken up together.

Mr. Speaker: They may be taken up together.

INTERNATIONAL T. B. CONFERENCE

*2211. **Shri Gidwani:** Will the Minister of **Health** be pleased to refer to the reply given to Unstarred Question No. 1694 on the 2nd May, 1956 and state who all will be invited in India to participate in the International Tuberculosis Conference which is to be held here early next year and what will be its agenda?

The Deputy Minister of Health (Shrimati Chandrasekhar): Two statements, one containing a tentative list of individuals and organisations in India to whom invitations for the Conference are proposed to be sent and the other showing the provisional agenda for the Conference, are placed on the Table of the Lok Sabha. [*See* Appendix XIII, annexure No. 29].

NATIONAL T. B. SURVEY SCHEME

*2232. **Shri Gidwani:** Will the Minister of **Health** be pleased to state:

(a) whether it is a fact that Government have undertaken a National T. B. Survey Scheme in co-operation with the Indian Council of Medical Research; and

(b) if so, when the report of such survey will be available?

The Deputy Minister of Health (Shrimati Chandrasekhar): (a) Yes.

(b) The report of the survey is expected to be available by the end of 1956.

Shri Gidwani: I find that a large number of associations have been invited and certain representatives also have been invited. Will the Government consider the desirability of inviting such Members of Parliament as are interested in this?

Shrimati Chandrasekhar: They will also be invited.

Shri Gidwani: Has the Government any statistics regarding the number of people suffering from TB in India and whether the Government proposes to bring forward a Public Health Bill whereby TB will be declared a notified disease?

Shrimati Chandrasekhar: The National TB Survey Scheme is being undertaken and the report will be published by the end of this year. Then, we will be able to give the information.

Shri Gidwani: What preventive and curative measures does the Government propose to take to control the disease in the Second Plan period?

The Minister of Health (Rajkumari Amrit Kaur): The number of beds is going to be increased. Government is however laying emphasis on clinics where people will be able to come and have domiciliary treatment.

Dr. Rama Rao: May I know if the report of the TB Survey Scheme will be published and if not, why not?

Rajkumari Amrit Kaur: I have no objection to publish it but we will have to await the report and see.

Shri G. P. Sinha: Is there any proposal to make chest Xray compulsory in India?

Rajkumari Amrit Kaur: Anything of that nature cannot be made compulsory but in a great many places, mass radiography is being resorted to.

Shri N. M. Lingam: May I know if that Survey will include the evaluation of the results of the BCG campaign in the country?

Rajkumari Amrit Kaur: The BCG campaign has not been here long enough for us to have an evaluation. But we are already doing research on that aspect of the question.

Shri Gidwani: May I know if it is proposed to have any research programme to find out if anti-biotics can be used to treat TB patients in their homes?

Rajkumari Amrit Kaur: We can consider that aspect also.

IMPORT OF WHEAT FROM U.S.A.

*2213. **Mulla Abdullabhai:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether there is any move for an agreement with U.S.A. for the supply of wheat to India; and

(b) if so, the quantity thereof; and

(c) the conditions of the agreement?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) Yes, Sir. There have been talks between the representatives of the Government of India and officials of the American Embassy in Delhi on the purchase of American surplus wheat. These talks have not yet concluded.

(b) and (c). The quantity and the conditions have not yet been settled. It is not in the public interest to disclose more details.

Mulla Abdullabhai: May I know the reason for such an agreement?

Shri M. V. Krishnappa: We have to purchase wheat from them. Government has decided to build up a buffer stock of one million tons of wheat and one million tons of rice. It is to augment these stocks that we are negotiating with America. We have already purchased nearly three lakh tons from America under their Aid Programme and we have to purchase three lakh tons more from Australia and for the rest, negotiations are going on.

Shri Bansal: May I know if the attention of the hon. Minister has been invited to a feature article by Insaf in the *Hindustan Times* of today? It has been stated that the Union Food Ministry has been caught napping. It has failed to buy wheat and rice in the buyers' market and is wallowing in the inheritance left by the late Rafi Ahmad Kidwai. Is the Government taking any steps to purchase wheat and rice even now.

The Minister of Food and Agriculture (Shri A. P. Jain): Insaf is at liberty to hold its own opinion and the Press can indulge sometimes in perhaps uncalled for exhilarations. We are well in possession of the situation and we are taking adequate steps to build up stocks.

Shri Bansal: May I know if the Government of India has come to any conclusion whether the prices of foodgrains in the country are going down or going up?

Shri M. V. Krishnappa: The downward tendency had started. Wheat which was sold at Rs. 17 or Rs. 18 last month is being sold at Rs. 13 or Rs. 15 today and the rice prices have also started a downward trend. We are selling rice at Rs. 16 and we are meeting all the requirements of the State Governments at Rs. 16 per maund. So, the prices are bound to come down to reasonable levels within a month.

Shri R. P. Garg: What would be the approximate cost of the imported wheat?

Shri M. V. Krishnappa: I have said that it is not in the public interest to disclose more details.

Shri Kasliwal: There are Press reports that the Government had signed the International Wheat Agreement or they were going to sign very soon. May I know whether this agreement with the USA will form part of that International Wheat Agreement or whether both these are two different things.

Shri M. V. Krishnappa: What we are purchasing from Australia and America is there. Even if we stick to that International Wheat Agreement the

guaranteed quota is very little—it is two lakh of tons. Formerly, it was 1·5 million tons and it was then reduced to one million tons. This time the quota is only two lakh tons.

Shri Sadhan Gupta: In view of the fact that we have suffered in the past wheat deals with USA, namely, it has been discovered that a great quantity of wheat supplied by the USA was found to be unfit for consumption, has the Government taken any steps to ensure that that kind of thing does not happen again in the course of the present wheat deal which is being negotiated?

Shri M. V. Krishnappa: We have never suffered under the International Wheat Agreement. When we purchased wheat at a price of one dollar and eighty cents, the open market prices were much higher. About the quality, Sir, now we are in a position to bargain with any other country. Our condition is not as bad as it was formerly to which the hon. Member is referring. Therefore, if at all we purchase we will only purchase good and above average quality.

Shri Bansal: The hon. Deputy Minister just now said that the prices have come down. May I invite his attention to this morning's issue of the *Times of India* wherein a market survey of most of the cities in North India is given? In that it is categorically stated that the prices are shooting up.

Shri M. V. Krishnappa: I think what the hon. Member says is correct. Day-before-yesterday the prices were coming down and it was Rs. 13 a maund. Today it has gone up. Tomorrow again it might come down. That is how daily reports appear in the Press. We cannot take that into account. What I want to say is that, wheat which was sold at Rs. 17 to Rs. 18 a maund last month is today selling at Rs. 13 to Rs. 15 a maund. One week the price may go up and in the next week it may go down. If there are clouds the prices will go down and if the temperature is going up the prices will also go up.

National Highways

*2214. **Shri Madiah Gowda:** Will the Minister of **Transport** be pleased to state:

(a) the names of the National Highway works which have been completed during the year 1955-56 in Mysore State;

(b) the names of the works that were sanctioned but not taken up for execution and which remain incomplete; and

(c) the reasons for not completing the sanctioned works?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). Three statements giving the required information are placed on the Table of the Lok Sabha. [*See* Appendix XIII, annexure No. 30].

(c) The Mysore State joined the National Highway Scheme with effect from 1st April 1954. It takes time to prepare detailed plans and estimates, get them approved and thereafter to organize and execute the works. Regard being had to the short time that has elapsed since Mysore joined the National Highway Scheme, the progress made cannot be said to be unsatisfactory.

Shri Madiah Gowda: Referring to statements II and III supplied to me, may I know how long back these works were sanctioned and when they are likely to be completed?

Shri Alagesan: The number of works that are yet to be started and the number of works that are being executed have been given in these two statements.

Shri Madiah Gowda: When are they likely to be completed?

Shri Alagesan: I shall not be able to say when exactly each work will be completed. I can only hope that they will be completed as quickly as possible.

Shri Madiah Gowda: Is there any local officer to watch and see that these works are executed according to a fixed programme?

Shri Alagesan: All these works, though on National Highways, are being executed by the State P.W.D. who are the agency for the execution of these works. Naturally, the State P.W.D. will be vigilant.

Shri Sivamurthi Swami: May I know what was the reason to drop out the scheme to construct a bridge near Raichur on Tungabhadra river to connect this Highway?

Shri Alagesan: I do not know how it exactly arises out of this question.

Mr. Speaker: Evidently, that is not in the list.

Shri Alagesan: This refers to works on National Highways in Mysore.

Mr. Speaker: He thinks of future Karnataka.

Shri Madiah Gowda: May I know whether any target time has been fixed for each one of these works?

Shri Alagesan: No target has been fixed. They are undertaken in the usual course and completed. No target as such has been fixed.

Shri N. M. Lingam: In view of the development of transport industry especially during the Second Five Year Plan period, may I enquire how soon the Government is going to take over the National Highways themselves as was envisaged by the Minister sometime back?

Shri Alagesan : All these, of course, are styled provisional National Highways. That does not make any difference, because the Centre is taking care of these National Highways as if they have been declared National Highways by law, by Parliament.

CACHAR-GAUHATI AIR SERVICE

***2215. Shri K. P. Tripathi:** Will the Minister of **Communications** be pleased to state the date when Cachar-Gauhati daily air service will start?

The Minister in the Ministry of Communications (Shri Raj Bahadur): There is no proposal at present to start a daily service between Cachar and Gauhati.

CENTRAL RICE RESEARCH INSTITUTE

***2216. Shri Sanganna:** Will the Minister of **Food and Agriculture** be pleased to refer to the reply given to Starred Question No. 937 on the 16th December, 1955 in respect of the Central Rice Research Institute and state:

(a) whether any of the recommendations of the Expert Committee have since been implemented; and

(b) if so, which are they and with what results?

The Minister of Agriculture (Dr. P. S. Deshmukh) : (a) and (b). A statement is placed on the Table of the Lok Sabha [*See* Appendix XIII, annexure No. 31].

Shri Sanganna: May I know whether the question of opening a sub-station in Orissa State is in pursuance of the recommendations of this Committee?

Dr. P. S. Deshmukh: I would require notice to answer that question. I do not see that there is any question of opening a sub-station.

Shri Sanganna: May I know what are the financial implications of the recommendations of this Committee?

Dr. P. S. Deshmukh: This will cost, including non-recurring expenditure, something like Rs. 12 lakhs or Rs. 15 lakhs. The workshop will cost about Rs. 3,94,000 and the extension and establishment of a new section will be included in the sum that I have just mentioned.

कुर्ला में ट्राम रेल परियोजना

*२२१८. **श्री के० सी० सोधिया :** क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या कुर्ला के तेल-शोधन कारखानों के लिये ट्रामवे-रेल परियोजना पर काम पूरा हो गया है;

(ख) यदि हां, तो उस पर कितना व्यय किया गया है या किया जाना है;

(ग) यदि नहीं, तो कितना काम बाकी है;

(घ) क्या इस व्यय का कोई भाग कम्पनियों से प्राप्त हुआ है;

(ङ) यदि हां, तो कितना; और

(च) यदि नहीं, तो क्या इन कम्पनियों से कुछ वार्षिक रकम भाड़े के रूप में प्राप्त होती है ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन): (क) जी, हां। सिर्फ ईस्टर्न एक्सप्रेस हाइवे पर रेल का ऊपरी पुल नहीं बना था। वह अभी बन कर तैयार हुआ है और उस पर जल्द यातायात शुरू हो जायेगा।

(ख) इस काम पर खर्च का अनुमान ७८·६५ लाख रुपये है। इसमें से फरवरी १९५६ के अन्त तक खर्च के लिए ४४·२२ लाख रुपये रखे गये हैं।

(ग) सवाल नहीं उठता।

(घ) जी, नहीं।

(ङ) सवाल नहीं उठता।

(च) जी, नहीं।

Shri N. M. Lingam: May I request, Sir, the hon. Deputy Minister to read the answer in English also?

Mr. Speaker: The question relates to Kurla.

Shri N. M. Lingam: It relates to oil refineries, which is an important subject.

Mr. Speaker: All right. The hon. Deputy Minister will kindly read the answer in English also.

श्री के० सी० सोधिया : इन आयल रिफाइनरीज (तेल शोधनियों) से जो इकरारनामा हुआ है, क्या उसमें यह भी लिखा है कि इस विषय में जो खर्च आयेगा वह सरकार देगी ?

रेलवे तथा परिवहन मंत्री (श्री एल० बी० शास्त्री) : जहां तक मेन लाइन की बात है, उसका खर्च रेलवे बर्दाश्त करती है, मगर जहां तक कम्पनी में साइडिंग वगैरह बनाने का सम्बन्ध है उसके लिये कम्पनियों को खर्च देना पड़ता है।

श्री के० सी० सोधिया : कम्पनीज ने अभी तक कितना खर्च दिया है ?

श्री एल० बी० शास्त्री : एक फर्म ने ३,३८,१८५ रुपये, एक ने २,२७,२०९ रुपये और एक ने ९,९८,१३५ रुपय जमा किये हैं।

श्री के० सी० सोधिया : अभी तक कितना बकाया है ?

श्री एल० बी० शास्त्री : उन्होंने रुपया जमा किया हुआ है। काम के खत्म होने पर ठीक हिसाब हो सकेगा।

Shri N. M. Lingam: May I enquire if the oil companies were asked at any time to bear any portion of the cost of this work, especially in view of the criticism that the oil agreement is heavily in favour of the companies ?

Shri L. B. Shastri: Not for the main line. There was no such provision in the agreement arrived at.

Shri N. M. Lingam: Did the Government approach the companies asking them to bear any portion of the cost; if not, why not?

Shri Alagesan: When the railways construct a siding, they bear the entire cost, under the standard rules. When the sidings are constructed on an 'assistant siding' basis then the cost is shared between the beneficiaries and the railways.

Chain Pulling on Trains

***2219. Shri P. L. Barupal:** Will the Minister of **Railways** be pleased to state:

(a) the number of occasions during 1955-56 when the passenger trains running between Delhi and Bikaner were stopped by pulling the chain;

(b) whether it is a fact that due to non-availability of accommodation in the train or due to fellow passengers being left out, the passengers are compelled to stop the train by pulling the chain;

(c) whether it is also a fact that due to over-crowding in the train, passengers have to travel on foot-boards and passengers inside the compartments also do not get space to sit; and

(d) if so, whether Government propose to introduce another mail train between Delhi and Bikaner?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) 162.

(b) In one instance the chain was pulled due to fellow passengers being left out, and in none of the instances due to non-availability of accommodation.

(c) There is certainly some over-crowding but that does not warrant travelling on foot-board which some passengers still resort to.

(d) No decision has yet been taken, but as and when coaches and engines become available, this question will be considered within the overall development provided in the Second Five Year Plan.

श्री पी० एल० बारूपाल : क्या यह सही है कि दिल्ली और बीकानेर के बीच चलने वाली गाड़ियों में यात्रियों को जगह न मिलने के कारण खरीदे हुए टिकट रेलवे को वापिस करने पड़ते हैं, जिसकी सूचना रेलवे मंत्रालय को दी जा चुकी है ? जनवरी, १९५५ से अप्रैल १९५६ तक कितने यात्रियों ने टिकट वापिस किये ?

प्रधान मंत्री तथा वैदेशिक कार्य मंत्री (श्री जवाहरलाल नेहरू) : जी, हां, यह बात सही है कि हिन्दुस्तान में सफर करने की आदत बढ़ती जाती है और यह गौरतलब बात है कि उसको रोकने के लिये किराया बढ़ाया जाये या क्या किया जाये, क्योंकि यह नामुमकिन है कि जितने करोड़ों लोग यकायक सफर करना चाहते है, उन सब के लिए रेलें तैयार की जा सकें । चीन में उन लोगों ने बगैर परमिट के सफर करना रोक दिया है और वह इसलिए कि ज्यादा लोग सफ़र न करें ।

Shri Basappa: In how many cases have the railway authorities been able to locate the persons who pulled the chains and in how many cases were they not able to locate the persons who pulled the chains?

Shri Alagesan: I have got some details here. My information is that there was justification in 60 cases. I have mentioned that there were 162 cases in all. So, in 102 cases there was no justification for pulling the chains. It was not possible to get hold of any person.

Shri Basappa: May I know whether there was any case where, because a person fell down from the foot-board, the chain was pulled and, if so, how many cases of this kind occurred?

Shri Alagesan: Fortunately there was no such case.

पंडित डी० एन० तिवारी : अभी प्रधान मंत्री जी ने कहा कि चीन में ट्रेवलिंग (यात्रा करना) रोक दिया गया है और कोई बिना परमिट यात्रा नहीं कर सकता । क्या हिन्दुस्तान में भी यही सिस्टम (प्रणाली) लागू करने का प्रोपोजल (विचार) है ?

श्री जवाहरलाल नेहरू : बात यह है कि ज्यों ज्यों मुल्क में खुशहाली बढ़ती जाती है लोगों की ज्यादा सफर करने की आदत बन जाती है । जाहिर है कि हम चीन की नकल तो नहीं करेंगे, यह तो मैंने मिसालन कहा था । वहां पर कोई सफर नहीं कर सकता जब तक कि उसको परमिट न मिले । इसकी वजह यह है कि वे सफर करना रोकना चाहते हैं । यहां पर हम यह तरीका नहीं लाना चाहते । लेकिन आनरेबिल मेम्बर के लिए. यह गौरतलब बात है कि यहां पर सफर रोकने के लिए दूसरा तरीका, यानी किराया बढ़ाने का तरीका, क्यों न काम में लाया जाये ।

Shri R. S. Diwan: In view of what the Prime Minister has stated, may I know why the Railway Ministry offer these allurements of return tickets at reduced rates?

Shri Jawaharlal Nehru: It is obvious. It is not to encourage travel for, if I may say so, unnecessary purposes, but to encourage people to go about and to see what is happening in India and to have some conception of this great country.

RAIL CAR FACILITIES FOR M.Ps.

*2221. **Dr. Satyawadi:** Will the Minister of **Railways** be pleased to state:

(a) whether Members of Parliament are allowed to travel by the Rail Cars on the Kalka Simla Section of the Northern Railway; and

(b) if not, whether any such proposals are under the consideration of Government?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) No.

(b) Such a proposal is under consideration in consultation with the Lok Sabha and Rajya Sabha Secretariats.

सिक्किम-तिब्बती सीमान्त सड़क

*२२२३. **श्री भक्त दर्शन** : क्या **परिवहन** मंत्री २२ सितम्बर, १९५५ के तारांकित प्रश्न संख्या २०५१ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि सिक्किम की राजधानी गंगटोक से तिब्बती सीमान्त तक सड़क के निर्माण कार्य में अब तक क्या प्रगति हुई है ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन): सड़क को सुविधाजनक भागों में बांट दिया गया है। इन भागों के निर्माण कार्य में जो प्रगति हुई है उसका एक विवरण लोक सभा की मेज पर रख दिया गया है [**देखिये परिशिष्ट १३, अनुबन्ध सं.० ३२**].

श्री भक्त दर्शन : इस विवरण से ज्ञात होता है कि इस सड़क की जो कुल साढ़े सत्ताईस मील लम्बाई है, उसमें से अभी तक केवल पांच मील सड़क बन पायी है। मैं जानना चाहता हूं कि कितने वर्षों से यह काम चल रहा है और इसमें तेजी लाने की आवश्यकता क्यों नहीं महसूस की जा रही ?

Shri Alagesan: This is a road which is not undertaken on the plains. It is a road which is constructed on the hills. It is a hilly road. It is only a mule track now. It is proposed to make it a jeepabale road. I am not at present able to say by what time the work will be completed.

श्री भक्त दर्शन : क्या इस बात का अनुमान लगाया गया है कि इस सड़क पर कुल कितना रुपया व्यय होगा और क्या उसे केवल भारत सरकार वहन करेगी या सिक्किम दरबार भी इसमें कोई हिस्स-बंटायेगा ?

Shri Alagesan: Yes, Sir. We are bearing the entire cost.

केन्द्रीय ट्रैक्टर संगठन

*२२२४. **डा० राम सुभग सिंह** : क्या **खाद्य और कृषि** मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि केन्द्रीय ट्रैक्टर संगठन ने ट्रैक्टर से भूमि जोतने की दर में कमी करने का निश्चय किया है;

(ख) यदि हां, तो कितनी कमी की जायेगी; और

(ग) क्या यह कमी जोतने की दर के लागत-खर्च में कमी होने का परिणाम है ?

कृषि मंत्री (डा० पी० एस० देशमुख):

(क) जी, हां।

(ख) आज कल केन्द्रीय ट्रैक्टर संगठन का मुख्य काम कांस निकालना है और इसकी दर जो सन् १९५४-५५ में ४० रुपये प्रति घंटा व प्रति एकड़ थी घटा कर १९५५-५६ में ३१ पये प्रति घंटा प्रति एकड़ कर दी गई है।

(ग) जी नहीं ।

डा० राम सुभग सिंह : इस प्रश्न के भाग "ग" के जवाब में मन्त्री महोदय ने कहा कि "नहीं" . इस रकम की कहाँ से प्राप्ति की जायेगी । क्या यह रकम उन लोगों से वसूल की जायेगी कि जिनके खेत जोते जायेंगे ?

डा० पी० स देशमुख : जी, नहीं। उनके लिए तो कम कर दिया गया है । आशा है कि पाँच रूपये हमें स्टेट गवर्नमेंट देगी ।

Shri Kamath: Will these reduced rates be applied uniformly in all States where the C.T.O. goes into action, for instance, in Bhopal, Madhya Pradesh and Madhya Bharat, and if so, may I know whether this reduction will have retrospective effect?

Dr. P. S. Deshmukh: Our intention is to make it applicable everywhere. There is no idea of giving any retrospective effect.

Shri Kamath: Is it a fact that so far as land reclamation is concerned,—certain statements were laid on the Table of the House some days ago—in certain States interest is being charged on the rates levied as well as on the arrears thereof? Will the Government issue instructions to the various State Governments to see that so far as land reclamation is concerned, the cultivator is not penalised or burdened in anyway by way of interest on the reclamation charges also?

Dr. P. S. Deshmukh: I am afraid I have not got the information about any interest with me here.

Dr. Rama Rao: Have the Government any scheme to increase these activities and extend them to the new areas, for instance, Tungabhadra?

Dr. P. S. Deshmukh: We may be prepared to expand the activities if the conditions under which we can work are acceptable.

Shri S. C. Samanta: The hon. Minister said that from Rs. 40 it has been decreased to Rs. 35 per acre. May I know whether the Government will have to give any subsidy owing to this reduction and whether the Government have made a survey about the cost that they will have to bear on account of this cultivation?

The Minister of Food and Agriculture (Shri A. P. Jain): In fact, we will have to give a heavy subsidy and we are considering whether it is worthwhile to prolong the work of reclamation after the life of the present tractors is exhausted.

Shri Kamath: On a point of order, Sir. My question was, whether the Central Government propose to ask or instruct the State Governments to see that no interest will be levied on these reclamation charges. It has not been answered.

Shri A. P. Jain: Why does the hon. Member think that whenever a Minister answers a question he answers the question of the hon. Member only? I was answering the question of Shri S. C. Samanta.

Shri Kamath: I referred to the question put by me.

Mr. Speaker: Yes, he was referring to the question put by him. He wanted to know whether it was a fact—in fact he made a suggestion—that interests were charged. He made a suggestion that interest ought not to be charged on the arrears that were due on account of reclamation charges. That is a suggestion for action. The hon. Members should not use the floor of this House, on this occasion, for eliciting the opinion of the Government. Facts alone must be elicited. I am allowing to some extent some suggestions also being made. But that ought not to be the rule.

रेलवे दुर्घटना

*२२२५. **श्री रघुनाथ सिंह** : रेल्वे मंत्री यह बताने की कृपा करेंगे क क्या यह सच है कि पूर्वोत्तर रेलवे के फेफना स्टेशन पर दो माल

गाड़ियां १ मई, १९५६ को छः बजे सबेरे लड़ गईं, जिसके फलस्वरूप दो रेलवे कर्मचारियों की मृत्यु हो गई तथा चार बुरी तरह घायल हुये ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन) : १-५-५६ को सुबह के वक्त लगभग ५ बजकर २० मिनट पर जब नं० ९८१ अप माल गाड़ी का इंजन 'कू वान' और इससे जुड़े हुए २२ डिब्बों के साथ पूर्वोत्तर रेलवे के छपरा बनारस सेकशन के फेफना स्टेशन पर 'शंटिंग' कर रहा था, बनारस की ओर से लदी हुई डाउन कोयला स्पेशल गाड़ी भी यार्ड में घुस आयी और दोनों गाड़ियां डाउन फेसिंग प्वाइंट के पास एक दूसरे से टकरा गयीं। टक्कर लगने से दो रेल-कर्मचारी मर गये और छः को मामूली चोटें आयीं।

Mr. Speaker: Of course, I am interested in seeing that all hon. Ministers and Members learn Hindi as early as possible, but within the short time available for putting the questions and answering them and putting supplementary questions, if time is taken for reading the answers, it may not be desirable. Of course, I appreciate the hon. Minister's effort to read properly, but he is not understood by Members here. Therefore, whenever an hon. Minister is not able to read or express himself very clearly, he will choose one of two methods—English or Hindi—having regard, especially, to the time at our disposal.

Shri Alagesan: There is only one sentence more.

टक्कर लगने से दो रेल कर्मचारी मर गये और छः को मामूली चोटें आयीं।

श्री रघुनाथ सिंह : इंटरलाकिंग सिस्टम उस स्थान पर है या नहीं !

रेलवे तथा परिवहन मंत्री (श्री एल० बी० शास्त्री) : मुझे ठीक मालूम नहीं है।

Abolition of Second Class

***2227. Shri Boovaraghasamy:** Will the Minister of **Railways** be pleased to state:

(a) the names of Branch lines where Government propose to abolish the Second Class in the near future;

(b) which are the lines where the first class accommodation is going to be increased; and

(c) the amount of expenditure proposed to be spent by Government for converting the second class into first class?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) While it is proposed to withdraw the present Second Class accommodation from certain Branch lines with effect from 1-7-1956, the detailed plans have not yet been finalised.

(b) There is no intention to increase the First Class accommodation on these Branch lines; but additional accommodation in Third Class will be provided if the state of the traffic warrants it.

(c) There will be no expenditure as the second class carriages to be withdrawn from the Branch lines are not proposed to be converted into first class, but will be used, to the extent feasible, for strengthening the main line trains on which there is overcrowding in the Second Class.

Shri Boovaraghasamy: What will be the number of additional first class carriages due to this conversion of second class into first class?

Shri Alagesan: I have just now said that we do not propose to convert second class carriages into first class carriages. We propose to put them on main lines where there is overcrowding in second class. That was my answer.

Shri Boovaraghasamy: At least in these two lines, what will be the increase in the number of first class carriages due to the conversion of second class into first class?

Mr. Speaker: The hon. Deputy Minister has said that there is no proposal to convert second class carriages into first class carriages.

Shri Gadilingana Gowd: Is it a fact that the reading lights in the first class compartments are now being removed and if so, what are the reasons?

Shri Alagesan: No. On the other hand, we have started providing reading lights in the first class compartments.

Shri T. B. Vittal Rao: This scheme is being implemented on the branch lines. Could we know the percentage of the branch lines in our country to the total mileage, so that we can have some idea of the progress of the scheme?

Shri Alagesan: I have already stated in the answer that even the details regarding the withdrawal of these coaches from branch lines are not yet finalised.

Shri Boovaraghasamy: Will there be any increase in the accommodation and other facilities available for the third class passengers as a result of this scheme?

Shri Alagesan: The main difficulty with regard to third class travel is overcrowding. Wherever we withdraw second class coaches, if traffic warrants it, we will have additional third class coaches.

Rajkumari Sports Coaching Scheme

***2228. Shri Kamath:** Will the Minister of **Health** be pleased to refer to the reply given to Unstarred Question No. 1430 on the Raj Kumari Sports Coaching Scheme on the 24th April, 1956 and state:

(a) whether the grants so far made to the Scheme have been expended only on salaries and allowances of Coaches ;

(b) the amount spent so far on items other than salaries and allowances of Coaches, the details in regard to each separate item being given;

(c) the amount spent so far on the salaries and allowances of Coaches; and

(d) the amount spent so far on purposes other than those for which the grants were specifically sanctioned?

The Minister of Health (Rajkumari Amrit Kaur): (a) No.

(b) A statement is laid on the Table of the Lok Sabha. [*See* Appendix XIII, annexure No. 33].

(c) Rs. 4,00,785.

(d) Nil.

Shri Kamath: Arising out of the answer to part (b) of the question, what was the genesis of the scheme and in what circumstances and for what purposes was it conceived?

Rajkumari Amrit Kaur: Obviously the scheme was conceived in order to give the youth of the country a certain amount of specialised coaching, so that they can take their place not only in national tournaments, but also in international games.

Shri Kamath: From the statement laid on the Table today and also from another statement laid some days ago last week, it appears that up to date about Rs. 10 lakhs have been sanctioned for the scheme and about Rs. 6 lakhs or so have been expended up to the 31st March, 1956. The Minister said that the amount spent on the salaries and allowances of coaches only was nearly Rs. 5 lakhs, if I heard her aright. It was Rs. 4,75,000 or so. May I know how many coaches are employed and do they go about in Europe and America roving all over the world or only in India, because so much money is spent on the salaries and allowances of the coaches?

Rajkumari Amrit Kaur: Over a period of five years, some coaches have come from abroad and their internal travelling and lodging expenses as also their salaries are paid by the Committee. There is no question of our coaches wandering all over the world. The majority of coaches permanently employed are Indian coaches from various States who coach in various centres according to the convenience and arrangements arrived at between the different sports federations.

Shri Kamath: The statement laid on the Table last time shows that the expenditure is not audited at all. Now there seems to be a new arrangement to control the expenditure. That is, a coaching committee has been formed for accounting the expenditure, and this innovation of the Health Ministry.....

Mr. Speaker: I have noticed that the hon. Member always starts with prefixes and preambles. The hon. Member will kindly read Rule 60. It is not for the purpose of eliciting information that he is asking questions; he is more taking an opportunity for the purpose of criticising the Government. I have no objection to it, but for that other methods must be adopted. If he persists in doing this, I am sorry he ought not to persist; that is all that I would say. As regards the right to admit questions, I am reserving it to myself. Rule 60 (2) says:

> "The right to ask a question is governed by the following conditions :—
>
> (ii) it shall not contain arguments, inferences, ironical expressions, imputations, epithets or defamatory statements....."

I do not know if the prefixes or the preambles that he uses do not come under one or the other of these. Let him only ask for information. It is not the first time that I have noticed it; I have been noticing it repeatedly. I want to tell him that his questions must conform to the conditions laid down under Rule 60. Otherwise, it will be an abuse.

Shri Kamath: May I know whether, apart from this coaching committee which seems to audit the expenditure, there is any other audit arrangement to control the expenditure and if so, how is it done?

Rajkumari Amrit Kaur: The accounts are audited by the Finance Ministry.

Mr. Speaker: Next question.

Shri K. K. Basu: I will ask only one question. May I now whether any scholarships or honoraria are paid to the trainees and whether any age limit is fixed for the trainees to get training under the scheme?

Rajkumari Amrit Kaur: No actual age limit has been fixed, but we do help the trainees. For example, when a young boy wanted to be coached in tennis, we gave him shoes and a racket which he cannot afford to buy himself. We also give nourishment, milk etc. Certainly, the trainees are helped whenever they cannot afford to pay for themselves. We concentrate on school children and university students.

Shri R. P. Garg: May I know if in this coaching scheme there is any provision for the development of Indian games? If not, why not?

Rajkumari Amrit Kaur: This is a very small scheme and naturally it has taken within its purview the games that are promoted by the existing sports federations.

WRITTEN ANSWERS TO QUESTIONS

INDIAN CANCER RESEARCH CENTRE, BOMBAY

***2197. Shri Krishnacharya Joshi:** Will the Minister of **Health** be pleased to state:

(a) the number of persons who were provided post graduate teaching and research in cancer at the Indian Cancer Research Centre, Bombay, during 1955; and

(b) the amount spent on this Institution during 1955?

The Minister of Health (Rajkumari Amrit Kaur): (a) 30.

(b) Rs. 2,31,532.

TELEPHONE OPERATORS

***2199. Shri Velayudhan:** Will the Minister of **Communications** be pleased to state:

(a) whether the posts for telephone operators were advertised by each region in the years 1954 and 1955; and

(b) whether there was any selection or tests held for the applicants to make the selections?

The Minister in the Ministry of Communications (Shri Raj Bahadur): (a) Yes, except by the Postmaster-General, Calcutta, who did not have sufficient number of vacancies in 1955 and by the Director of Posts and Telegraphs, Shillong in 1954 who already had approved candidates of the previous year.

(b) Yes.

कोरबा-नागपुर रेलवे लाइन का दुहरा किया जाना

*२२००. **सरदार ए० एस्० सहगल** : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार भिलाई में इस्पात संयंत्र के बनाने के साथ साथ कोरबा से भिलाई होकर नागपुर जाने वाली रेलवे लाइन को दुहरा करने का विचार कर रही है ;

(ख) यह काम कब शुरू होगा और कब तक पूरा हो जायेगा ;

(ग) क्या अनुपपुर-चिरयिरी रेलवे लाइन को डाल्टन गंज तक बढ़ाने का प्रस्ताव दूसरी पंचवर्षीय योजना में शामिल किया गया है और चांदा-कोरबा लाइन को इसके साथ मिलाने के प्रस्ताव को कब तक अन्तिम रूप दिया जायेगा और उस पर काम कब शुरू होगा; और

(घ) क्या बिलासपुर-मुंगेली लाइन को, जिसका सर्वेक्षण हो चुका है, दूसरी पंचवर्षीय योजना में शामिल किया जायेगा ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन): (क) रूरकेला और दुग के बीच मुख्य लाइन को दोहरा करने का विचार है ।

(ख) रूरकेला-दुग लाइन के कई सेक्शनों पर दोहरी लाइन बिछाने का काम जल्द शुरू कर दिया जायेगा । पूरी लाइन को दोहरा करने का काम लगभग १९६० तक पूरा होने का अनुमान है ।

(ग) जी, नहीं ।

(घ) अभी तक कोई सर्वे नहीं किया गया है। चूंकि नयी लाइनों के फण्ड में कमी कर दी गयी है, इसलिए दूसरी पंचवर्षीय योजना में इस लाइन के बनानेकी सम्भावना बहुत कम है ।

INSURANCE OF SHIPPING CARGO

*2202. **Sardar Iqbal Singh:**
Sardar Akarpuri:

Will the Minister of **Transport** be pleased to state the percentage of cargo carried by coastal ships and seagoing ships insured with the Indian and the foreign companies?

The Deputy Minister of Railways and Transport (Shri Alagesan): The required information is not available with the Government of India. Efforts are being made to collect it and the information if available will be placed on the Table of the House in due course.

RAILWAY REHABILITATION PROJECT

*2203. **Shri Shivananjappa:** Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that Railway Rehabilitation Project of the U.S. Technical Co-operation has assured India of its assistance in strengthening the Railway potential in India;

(b) if so, how many goods wagons and freight car parts for the Southern Railway have arrived; and

(c) what is the total cost of these goods?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes.

(b) 565 goods wagons up to March, 1956.

(c) Approximately Rs. 51 lakhs.

PUNJAB AND SIND BANK EMPLOYEES

*2207. **Shri Nambiar:** Will the Minister of **Labour** be pleased to state:

(a) whether the management of the Punjab and Sind Bank Limited has violated the provisions of the award of the Industrial Tribunal by dismissing some employees on the 5th July, 1955 in Delhi;

(b) if so, whether the conciliation officer (Central) has reported the matter to Government; and

(c) the steps taken by Government to prosecute the banks?

The Deputy Minister of Labour (Shri Abid Ali): (a) Two employees of the Punjab and Sind Bank Limited, Delhi, were dismissed on the 5th July 1955. The Union has alleged that the dismissals were in violation of the Bank Award.

(b) Yes.

(c) The question of the action to be taken is under consideration.

RAILWAY USERS' CONSULTATIVE COMMITTEES

*2208. **Shri Bheekha Bhai:** Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that no representation has been given to areas unserved by railway on National Railway Users' Consultative Committee and Zonal Railway Users' Consultative Committees;

(b) whether Government propose to reserve membership on these Committees of representatives of backward areas within the discretion of the Ministry?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). The constitution of these Committees is such that its Members include certain Members of Parliament, Members of State Legislatures, representatives of State Governments and representatives of Trade and Agricultural interests. The representation is thus fairly comprehensive and if need be representative of any special interest can be nominated within the discretion of the Minister.

ADULTERATION OF GHEE

*2212. **Shri Ibrahim.** Will the Minister of **Food and Agriculture** be pleased to state:

(a) the extent to which the adulteration of Ghee in the various States has increased or decreased since 1953; and

(b) the number of samples of "Agmark" ghee analysed during the year 1955 and the extent of adulteration detected therein?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) Information is being collected from the State Governments.

(b) Out of the total number of 4985 melt samples of Agmark Ghee analysed during 1955, 7 samples were found misgraded and out of 1265 check samples of Agmark Ghee analysed 13 samples were found misgraded, during the same year.

TELEGRAPHIC LINK WITH GODDA

*2217. **Shri Bhagwat Jha Azad:** Will the Minister of **Communications** be pleased to state:

(a) whether Godda has been linked with Pathargame and Mahegame by a telegraph line; and

(b) whether Government propose to extend this facility further North?

The Minister in the Ministry of Communications (Shri Raj Bahadur): (a) Pathargame was linked with Godda in March, 1956. The construction of a line between Pathargame and Mahegame will be taken up as soon as materials for the purpose are received.

(b) There is no such proposal at present.

LEPROSY

*2220. **Shri B. D. Pande:** Will the Minister of **Health** be pleased to state whether the developed compounds called sulphetrone and D.D.S. (Diamine dipheny sulphone) have been introduced into the leper Hospitals of India?

The Minister of Health (Rajkumari Amrit Kaur): The compounds have been introduced in the leper hospitals of India.

WAGONS FOR COAL MOVEMENT

*2222. **Shri Deogam:** Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that there has been serious shortage of coal movement for internal industries owing to shortage of wagons during April, 1956 and the situation is still alarming;

(b) whether it is also a fact that a certain firm has been permitted to move iron ore for the purpose of export from Jaipur Keonjhar Road Station on the South Eastern Railway; and

(c) the reasons for permitting movement of ores for export in priority to coal movement for internal industry?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) No. Rather as against the minimum coal loading target of 3250 wagons per day from West Bengal and Bihar coal fields, an average of 3403 wagons per day were loaded in April, 1956.

(b) None, beyond the limits of operating facilities.

(c) Does not arise.

नागपुर माडल वाइटल एण्ड हैल्थ स्टैटिस्टिकल यूनिट

*२२२६. **श्रीमती अनुसूया बाई बोरकर :** क्या स्वास्थ्य मंत्री यह बताने की कृपा करेंगी कि :

(क) १९५६ में किस समय तक नागपुर माडल वाइटल एण्ड हैल्थ स्टेटिस्टिकल यूनिट की स्थापना हो जायेगी; और

(ख) इस बारे में अब तक क्या प्रगति हुई है ?

स्वास्थ्य मंत्री (राजकुमारी अमृत कौर) : (क) इस यूनिट ने तो काम करना भी शुरू कर दिया है ।

(ख) Public Health Statistics (लोक स्वास्थ्य सांख्यक) के W.H.O. experts (विश्व स्वास्थ्य विशेषज्ञ) द्वारा स्थानीय कर्मचारियों का प्रशिक्षण शुरू हो गया है। W.H.O. ने जिन प्रसाधनों को देने का वायदा किया था उनमें से ज्यादातर मिल चुके हैं ।

Railway Transport of Fish

***2229. Shri K. C. Jena:** Will the Minister of **Railways** be pleased to refer to *The Hindustan Times* dated the 1st May, 1956 with the head lines 'India's Big Lake Getting Silted,' and state:

(a) whether the Government of Orissa or the Committee of Fisheries, Chilka lake of that State, have made representations to Government to rearrange the timings of the train which transports fish from Chilka to Calcutta to reach Calcutta in the morning for facilitating marketing;

(b) if so, the decision taken on that representation; and

(c) if not whether any arrangement is being made to transport fish from the Chilka Lake of Orissa to make the same available in the Calcutta market early in the morning?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes, the representation was made by the Government of Orissa through the Ministry of Food and Agriculture.

(b) The representation was examined in detail. It was found that no change in timings of the train which transported fish from Chilka to Calcutta was feasible (i) due to operational difficulties and (ii) in the interest of long distance passengers travelling from Bombay to Calcutta. The decision was duly communicated to the Ministry of Food and Agriculture.

(c) Does not arise.

Lushington Shoal Lighthouse

***2230. Shri Gadilingana Gowd:** Will the Minister of **Transport** be pleased to state:

(a) whether it is a fact that model studies for the construction of a lighthouse at Lushington shoal have been completed;

(b) whether it is also a fact that a special engineer from Sweden has been appointed for the execution of the work;

(c) if so, the remuneration of this Swedish engineer; and

(d) when this work will be completed?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). Yes, Sir.

(c) Rs. 2,000 p.m. (subject to deduction of income tax), to be paid in India, plus 2,000 Sw. Kroners (equivalent to Rs. 1,850) p.m. free of income tax to be paid in Sweden, and free unfurnished residential accommodation.

(d) In about 2 to 3 years.

HINDI TELEGRAMS

***2231. Shri Bheekha Bhai:** Will the Minister of **Communications** be pleased to state:

(a) the basis of selecting places for providing facilities for despatching Hindi telegrams; and

(b) whether Government are aware that this facility is more needed in the rural areas than the urban areas?

The Minister in the Ministry of Communications (Shri Raj Bahadur): (a) The places are selected on the basis of the anticipated Hindi traffic and the demand from the Public.

(b) Yes. Orders have already been issued asking the Circles to give special attention to rural areas.

EXPORT OF LIVESTOCK

***2233. Shri Ibrahim:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether it is a fact that export of Indian livestock is declining because importers fear that livestock disease are widely prevalent in India; and

(b) if so, the steps taken by the Government to remove this apprehension?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) Exports of Indian livestock have not declined except in the case of monkeys, the exports of which have fallen slightly during 1955-56 as compared to 1954-55.

(b) Does not arise.

PASSENGER AIR FARES

***2234. Shri K. P. Tripathi:** Will the Minister of **Communications** be pleased to state whether any reduction in passenger air fares for Assam is under consideration?

The Minister in the Ministry of Communications (Shri Raj Bahadur): There is no such proposal at present

भारतीय चीनी प्रौद्योगिक संस्था

***२२३५. श्री के० सी० सोधिया** : क्या **खाद्य और कृषी** मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या भारतीय चीनी प्रौद्योगिकी संस्था, कानपुर, सरकारी स्रोतों से पृथक किन्हीं दूसरे स्रोतों से भी अनुदान प्राप्त करती है;

(ख) यदि हां, तो किन-किन स्रोतों से कितनी-कितनी रकम प्राप्त होती है;

(ग) भारतीय चीनी उद्योग से इस के संचालन के लिये कितनी वार्षिक रकम प्राप्त होती है; और

(घ) गत वर्ष संस्था के गवेषणा-विभाग में किस प्रकार का कार्य किया गया ?

खाद्य और कृषि मंत्री (श्री ए० पी० जैन) : (क) जी, नहीं ।

(ख) तथा (ग). सवाल ही नहीं उठता ।

(घ) संस्था में चीनी बनाने की टेकनीक (प्रविधि) के सुधारने तथा चीनी उद्योग द्वारा बनायी जाने वाली चीनी की अंश-वस्तुओं के अधिक अच्छे उपयोग के उद्देश्य से व्यावहारिक तथा मौलिक प्रकार का अनुसंधान कार्य किया जा रहा है ।

OVERCROWDING ON RAILWAYS

***2236. Thakur Jugal Kishore Sinha: Shri Asthana:**

Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that due to the shortage of one train between Samastipur and Darbhanga the overcrowding on that line has incerased to a great extent after the introduction of the new time table; and

(b) the steps taken to remove such congestions?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) No, Sir.

(b) Does not arise.

तूफान एक्सप्रस दुर्घटना

*२२३७. **श्री रघुनाथ सिंह :** क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि क्या यह सच है कि ३० अप्रैल १९५६ को बरही रेलवे स्टेशन (मुंगेर के निकट) के समीप लगभग ४०० व्यक्ति रेलवे पटरी पर दिल्ली आने वाली तूफान-एक्सप्रेस के सामने कूद गये और उन्होंने गाड़ी रोकने का प्रयास किया जिसके परिणामस्वरूप ४ व्यक्ति घायल हुए ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन): जी, हां १-५-१९५६ को न कि ३०-४-१९५६ को।

Post Offices in Kurnool

***2238. Shri Gadilingana Gowd:** Will the Minister of **Communications** be pleased to state:

(a) the extent to which the target for opening Post Offices in rural areas fixed under the First Five Year Plan for Kurnool District in Andhra State has been achieved; and

(b) whether any programme has been chalked out to open Post Offices in all villages of the above district having a population of one thousand and above?

The Minister in the Ministry of Communications (Shri Raj Bahadur): (a) 114 Post Offices were opened in rural areas in Kurnool District during the First Five Year Plan period and the target has been fully achieved.

(b) No.

Ropeway in Assam

***2239. Shri K. P. Tripathi:** Will the Minister of **Transport** be pleased to state:

(a) whether there is any scheme under consideration for construction of Ropeway to link Gauhati with Khasi and Jaintia Hills; and

(b) if so, whether any decision has been taken?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). A scheme for the construction of a ropeway between Shella Bazar and Amingaon in Assam is still under consideration.

Catering on Railways

***2240. Thakur Jugal Kishore Sinha: Shri Asthana:**

Will the Minister of **Railways** be pleased to state:

(a) the steps that are being taken to encourage Vendor Co-operative Societies on railways;

(b) whether any application has been received by the authorities of the North-Eastern Railway from any Vendor Co-operative Society; and

(c) if so, the policy of Government in respect of the private and co-operative agencies in giving contracts?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (c). The policy followed is that while no preference as such is sought to be given in the award of vending contracts to Co-operative Societies of Vendors each case is being decided on merits.

(b) Yes.

Late Delivery of Telegrams

2032. Chaudhur Muhammed Shaffee: Will the Minister of **Communications** be pleased to state:

(a) the number of complaints received by the P. and T. Department regarding late delivery of telegrams in India, circle-wise from the 1st April, 1955 to the 31st March, 1956;

(b) the reasons for delay; and

(c) the action taken, in general?

The Minister in the Ministry of Communications (Shri Raj Bahadur): (a) 16,679. A statement showing the circle-wise figures is laid on the Table [*See* Appendix XIII, annexure No. 34]. The total number of telegrams handled during 1955-56 was 2,79,69,483 (provisional figures). The ratio of complaints to the volume of traffic handled works out to ·06%.

(b) Insufficient or wrong address given by the senders interruption of telecommunications, non-availability of the addressee, mutilation of address and negligence of staff etc., etc.

(c) Close and intensive supervision of the receipt, transmission and delivery of telegrams, suitable punishments for the delinquents and instructions to the telegraph offices from time to time for prompt delivery of telegrams etc.

HOUSE ALLOWANCE

2033. Chaudhuri Muhammed Shaffee: Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that Railwaymen posted at Ghaziabad do not get House Allowance, though its population is more than the required population for this purpose and this place is being treated as Delhi Area as regards duty, postal amenities and such other matters;

(b) if so, the reasons therefor;

(c) whether Government are considering the grant of House Allowance; and

(d) if so, when and how much and if not, the reasons?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). Yes, Sir. Railway servants posted at Ghaziabad do not get House Allowance, as the population of the town is less than one lakh. Also, Ghaziabad is a part of U.P. and not of Delhi city or State.

(c) No, Sir.

(d) House rent allowance is admissible only to towns with a population of over one lakh. Ghaziabad does not fulfil this criterion.

अजमेर-चित्तोडगढ विभाग में गाडियां

२०३४. **श्री भीखा भाई :** क्या **रेलवे** मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि पश्चिमी **रेलवे** के अजमेर-चित्तौडगढ विभाग पर यात्री-गाड़ियां सामान्यतया विलम्ब से चलती हैं ;

(ख) यदि हां, तो क्या उस सम्बन्ध में कोई मासिक रिपोर्ट तैयार की जाती है; और

(ग) इसको रोकने के लिये क्या कार्यवाही की गई है ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन): (क) जनवरी से मार्च १९५६ के बीच अजमेर-चित्तौड़गढ़ सेक्शन की कुछ सवारी गाड़ियों के समय पर चलने में कमी हुई ।

(ख) तथा (ग). डिस्ट्रिक्ट, रीजन और हेडक्वार्टर्स में गाड़ियों के रोज के काम के बारे में जो रोजाना छान-बीन की जाती है, उसके अलावा हर १० दिन और महीने के आधार पर भी गाड़ियों के समय पर चलने की जांच की जाती ह । जांच के बाद जैसी जरूरत होती है, समय-समय पर सुधार के लिये जरूरी उपाय किये जाते हैं । इस सेक्शन पर गाड़ियों के समय पर चलने में सुधार हुआ है ।

यात्री सुविधायें

२०३५. **श्री भीखा भाई :** क्या **रेलवे** मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि महू रेलवे स्टेशन पर, जहां सेना के बड़े बड़े पदाधिकारी प्रायः आते जाते रहते हैं, प्रथम श्रेणी के प्रतीक्षालयों में फ्लश के शौचालय और पेशाबघर नहीं हैं;

(ख) यदि हां, तो उसके क्या कारण हैं; और

(ग) इस सम्बन्ध में रेलवे प्रशासन क्या कार्यवाही कर रहा है ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन): (क) जी, हां ।

(ख) पानी की कमी के कारण फ्लश ढंग की टट्टियां नहीं बनायी जा सकीं । पानी के लिए रेलवे को मिलिटरी इंजीनियरिंग सर्विस पर निर्भर रहना पड़ता है ।

(ग) अधिक पानी के लिये महू की मिलिटरी इंजीनियरिंग सर्विस के अधिकारियों को पहले ही लिखा गया है । अब वे अधिक पानी देने पर राजी हो गये हैं । जब पानी की उनकी अपनी व्यवस्था में सुधार की योजना पूरी हो जायेगी, तो रेलवे को अधिक पानी मिलेगा । इस योजना के पूरे होने में लगभग छः महिने लगेंगे ।

RAILWAY RATES TRIBUNAL

2036. Shri Ram Krishan: Will the Minister of **Railways** be pleased to state:

(a) the number of cases of disciplinary action against the Railway servants referred to the Railway Rates Tribunal, Madras during 1955-56;

(b) the number of cases in which the advice tendered by the Tribunal was not accepted; and

(c) the reasons thereof?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) 14.

(b) Nil.

(c) Does not arise.

PRINTING MACHINES AT RAILWAY STATIONS

2037. Shri Ram Krishan: Will the Minister of **Railways** be pleased to state:

(a) the names of Railway Stations, where self-printing machine have been introduced so far, Railway-wise; and

(b) the name of the Railway Stations where these machines are to be introduced during 1956-57 and Second Five Year Plan, Railway-wise?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) A statement is attached. [*See* Appendix XIII, annexure No. 35].

(b) No decision has been taken in this matter. Necessary action will be taken according to the needs as they develop.

POST AND TELEGRAPH BUILDINGS IN PEPSU

2038. Shri Ram Krishan: Will the Minister of **Communications** be pleased to state the names of places in PEPSU where Post and Telegraph buildings, as well as residential quarters for the Staff of the Posts and Telegraphs Department will be constructed during 1956-57?

The Minister in the Ministry of Communications (Shri Raj Bahadur): The construction of a new P. and T. building at Bhatinda has been sanctioned. The work will be started this year.

Additions and alterations are proposed to be carried out at the following offices:—

1	Barnala	Post Office
2	Bareta	Do
3	Dhuri	Do
4	Jind	Do
5	Malirkotla	Do
9	Mandi Atali	Do
7	Narnaul	Do
8	Narwana	Do
9	Ramanmandi	Do
10	Safidon	Do

BIKANER TRUNK TELEPHONE SERVICE

2039. Shri Karni Singhji: Will the Minister of **Communications** be pleased to state:

(a) whether Government are aware of the very frequent break-downs of long duration in the trunk telephone service at Bikaner, Rajasthan;

(b) if so, the steps taken to obviate this; and

(c) if not, whether Government will make necessary enquiries now and take suitable steps as early as possible?

The Minister in the Ministry of Communications (Shri Raj Bahadur): (a) The performance of the trunk lines emanating from Bikaner is quite satisfactory. However, there was one general break-down on 15-3-56 due to severe storm which affected the Bikaner-Jodhpur and Bikaner-New Delhi circuits and lasted for 53 hours. The efficiency of the trunk circuits emanating from Bikaner is normally of the order of 95%. The number of interruptions on these trunks on an average is of the order of one to two in the course of a month.

(b) Does not arise.

(c) Does not arise.

ITARSI RAILWAY STATION

2040. Shri Kamath: Will the Minister of **Railways** be pleased to state:

(a) whether Government are aware that no clock is provided on the platforms of such an important junction as Itarsi;

(b) if so, the reasons therefor; and

(c) when the deficiency will be made good?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes.

(b) Clocks were ordered and supplies have just been received.

(c) In about 10 days' time.

M.S. EMPLOYEES UNION

2041. Shri Jhulan Sinha: Will the Minister of **Communications** be pleased to state:

(a) whether it is a fact that a signed memorandum was presented to the Deputy Minister by the President of the All India M.S. Employees' Union (Class III Delhi Posts and Telegraphs Mail Motor Service Branch) making specific allegation against the working of the Delhi Branch; and

(b) if so, the action taken thereon?

The Minister in the Ministry of Communications (Shri Raj Bahadur): (a) Reply is in the affirmative.

(b) The matter has been duly enquired into and suitable action is being taken.

'NAGBALA' PLANT

2042. Shri Dabhi: Will the Minister of **Health** be pleased to state:

(a) whether it is a fact that an Asiatic plant known as "Nagbala" has been known to possess extraordinary capacity of combating T.B. germs and to be available in hilly tracks;

(b) whether Sanskrit document, written in a book in 500 B.C., kept at the museum of Boston (U.S.A.), contains the virtues of the plant; and

(c) if so, whether Government propose to have research made with respect to it?

The Minister of Health (Rajkumari Amrit Kaur): (a) The plant known as 'Nagbala' grows in certain Northern and North-Western States of India upto an altitude of 4000 feet. There is no authentic evidence to show that the plant possesses the ability to combat tubercle bacilli.

(b) The Government of India have no information.

(c) The Indian Council of Medical Research propose to take up this plant for preliminary screening against tubercle bacilli.

DELHI TRANSPORT SERVICE

2043. Shri D. C. Sharma: Will the Minister of **Transport** be pleased to state:

(a) the number of courtesy schools opened for bus-conductors in Delhi; and

(b) the period for which the training is imparted?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) The Delhi Road Transport Authority has set up one school for training bus conductors.

(b) The training period is ordinarily one month.

UDAIPUR TRAINING CENTRE

2044. Shri Wodeyar: Will the Minister of **Labour** be pleased to state:

(a) whether Government have decided to establish a training centre at Udaipur, Rajasthan;

(b) if so, the nature of training to be given in this centre; and

(c) the estimated cost thereof?

The Deputy Minister of Labour (Shri Abid Ali): (a) No. Proposals regarding the establishment of new Centres are under consideration in consultation with the State Government.

(b) and (c). Do not arise in view of the above said answer.

TELEPRINTERS

2045. Chaudhuri Muhammed Shaffee: Will the Minister of **Communications** be pleased to state the number of additional Teleprinters added during the First Five Year Plan as against 1,000 envisaged in the Plan?

The Minister in the Ministry of Communications (Shri Raj Bahadur): 734.

RAILWAY LEVEL CROSSINGS

2046. Shri Ram Krishan: Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that level crossings on Grand Trunk Road near Ambala and Rajpura remain closed due to heavy Railway traffic which causes great inconvenience to road traffic; and

(b) if so, the action Government propose to take in this regard?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes, Sir.

(b) Proposals for the construction of overbridges in replacement of the level crossings have been received from the State Government and the preparation of plans and estimates therefor has been taken in hand.

EXTENSION SPECIALISTS FROM U.S.A.

2047. Shri Shree Narayan Das: Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether the Government of India have in collaboration with the U.S. Cooperation Administration, invited extension specialists from U.S. Universities with a view to strengthening the teaching programme in the Agricultural Colleges of India;

(b) if so, the number and nature of specialists so invited; and

(c) the terms and conditions on which they have been invited?

The Minister of Food and Agriculture (Shri A. P. Jain) : (a) and (b). Presumably the hon. Member is referring to the agreement between the Government of India and the U.S., T.C.M. enlisting the cooperation of 5 U.S. Universities for the strengthening of Indian Institutions in the field of agricultural research, education and extension. A statement giving the required information is attached. [*See* Appendix XIII, annexure No. 36].

(c) The experts have been invited on the following conditions:

(i) The entire expenditure on account of their pay and allowances and overseas travel will be met by the U.S. Government.

(ii) The normal period of assignment will be two years.

(iii) The local expenditure on the experts such as Secretarial assistance and cost of internal travel will be met by the institutions concerned.

MEDICAL AID TO CYCLONE AFFECTED AREAS

2048. Shri Balakrishnan: Will the Minister of **Health** be pleased to state:

(a) whether Medical aid was given by the Directorate General of Health Service to the cyclone affected areas in Madras State; and

(b) if so, the details thereof?

The Minister of Health (Rajkumari Amrit Kaur): (a) Yes.

(b) The details of the medical stores donated to the Madras Government for the flood and cyclone affected areas, out of the gift consignment of medical supplies received in the Directorate, are as follows:—

Name of Item		*Quantity Supplied*
Tabs	Davitamen (Multivitamin)	2,00,000
,,	Camoquin	4,000
,,	Sulphadiazine	75,000
,,	Sulphamerazine	75,000
,,	Sulphaguanidine	75,000
,,	Globenicol(Chloromycetine)	5,000
,,	Streptomycin vials	4,000
,,	Sulphatrix	4,500

NATIONAL WATER SUPPLY AND SANITATION SCHEME

2049. Shri N. B. Chowdhury: Will the Minister of **Health** be pleased to lay a statement on the Table of the Sabha showing the places where the schemes have been executed and the percentage of cost borne by the Government of India in respect of each such scheme, the amounts granted to West Bengal during 1954-55 and 1955-56 under the National Water Supply and Sanitation Scheme?

The Minister of Health (Rajkumari Amrit Kaur): A statement containing the information is enclosed. [*See* Appendix XIII, annexure No. 37].

गृह-अर्थशास्त्र में प्रशिक्षण

२०५०. **श्री भक्त दर्शन :** क्या **खाद्य और कृषि** मंत्री १६ अप्रैल, १९५५ के तारांकित प्रश्न संख्या २२८७ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि भारत की उन बाइस महिलाओं में से, जो हवाई द्वीप और जापान से गृह-अर्थशास्त्र का प्रशिक्षण प्राप्त करके वापस आई थीं, प्रत्येक की उस विशेष-योग्यता का किस प्रकार से उपयोग किया जा रहा है ?

खाद्य और कृषी मंत्री (श्री ए० पी० जैन) : इन महिलाओं के वापस आने के बाद, उनको इन्दौर के पास कस्तुरबाग्राम के कस्तुरबा स्मारक केन्द्र में तथा बड़ोदा यूनिवर्सिटी में आगे प्रशिक्षण दिया गया था और इसके बाद राज्य सरकारों द्वारा उनके गृह-अर्थशास्त्र विभागों में वे मुख्य शिक्षिकाओं के स्थान पर नियुक्त की गई । इस प्रकार से ग्राम सेविकाओं के प्रशिक्षण के लिए उनका अनुभव उपयोग में लिया जा रहा है ।

HOTEL TRAINING SCHOOL

2051. { Shri Ram Krishan: / Shri Shivananjappa :

Will the Minister of **Transport** be pleased to state:

(a) whether the scheme for establishing a Hotel Training School has been finalised; and

(b) if so, the details thereof?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) No, Sir.

(b) Does not arise.

MAINPURI RAILWAY STATION

2052. Shri Badshah Gupta: Will the Minister of **Railways** be pleased to state:

(a) progress that has been made in connection with the supply of water and electricity at Manipuri Railway Station (Northern Railway); and

(b) whether the note recorded in the complaint book kept at the Mainpuri Railway Station (Northern Railway) early in March, 1956 by an M.P. in this connection has come to the notice of Government?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Water and electricity for supply to the Mainpuri Railway Station have to be obtained from State Government installations and they will be provided as soon as these are made available to the Railway Administration. The subject is under correspondence with the State Government officials and pursued constantly. With regard to the supply of electricity it may be added here that the Government of Uttar Pradesh Electric Department have advised that the Generating station at Mainpuri is expected to be completed by the end of this year and then the necessary load for the electrification of Mainpuri Railway Station will be sanctioned.

(b) Action has been taken on the complaint lodged by Shri Hira Vallabh Tripathi M.P. and a reply sent to him.

MYSORE SUGAR COMPANY (MANDYA)

2053. Shri Shivananjappa: Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether the Mysore Sugar Company at Mandya in Mysore State have distributed any bonus to its cane-growers in addition to the statutory minimum cane-price for the 1954-55 season;

(b) how much do these cane-growers get if the 'Sisras' formula is applied for the 1954-55 season; and

(c) the profit made by the Mysore Sugar Co. in the 1954-55 season?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) No, Sir.

(b) Extra price under SISMA formula works out to about Re. 1 per ton of cane.

(c) Rs. 10 lakhs (net).

DRAINAGE SYSTEM IN AGARTALA

2054. Shri Biren Dutt: Will the Minister of **Health** be pleased to state:

(a) whether any scheme is being operated to develop drainage system in Agartala Town, Tripura;

(b) when this system is expected to be completed; and

(c) the amount expected to be spent in completing this system?

The Minister of Health (Rajkumari Amrit Kaur): (a) Yes. A Scheme for under-ground drainage system has been proposed in the 2nd Five Year Plan. Necessary plans and estimates in this respect are being prepared by C.P.W.D.

(b) During 2nd Five Year Plan period.

(c) Approximately Rs. 13,00,000.

ANNAPOORNA CAFETARIA (TRIPURA)

2055. Shri Biren Dutt: Will the Minister of **Food and Agriculture** be pleased to state whether any land has been provided to the All India Women Food Council in Tripura to open Annapoorna Cafeteria at Agartala?

The Minister of Food and Agriculture (Shri A. P. Jain): No.

INDIAN CENTRAL OILSEEDS COMMITTEE

2056. Shri Shivananjappa: Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether the Indian Central Oilseeds Committee held its meeting recently at Kanpur; and

(b) if so, the decisions arrived at for the development of oilseeds production in the country?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) Yes.

(b) The Committee decided (i) to establish five regional research stations and outstations for carrying out work on the improvement of the various types of oilseeds and sanctioned a number of research schemes under the States and certain institutions. Details are shown in the attached statement. [*See* Appendix XIII, annexure No. 38].

FALSE POINT AND PURI LIGHTHOUSES

2057. Shri Gadilingana Gowd: Will the Minister of **Transport** be pleased to state total cost of the new lighting equipment for the lighthouses at False Point and Puri?

The Deputy Minister of Railways and Transport (Shri Alagesan): The total cost of the equipment in question is Rs. 84,657 (*c.i.f.* Bombay).

FRESH WATER SUPPLY IN TRAVANCORE-COCHIN

2058. Shri V. P. Nayar: Will the Minister of **Health** be pleased to state:

(a) whether the Government of Travancore-Cochin State had sent up any proposal for providing fresh water in the coastal villages of the State; and

(b) whether Government are aware that in most of the coastal villages, people get only brackish water to drink?

The Minister of Health (Rajkumari Amrit Kaur): (a) Yes.

(b) The Government of India understand that shallow wells in the coastal areas in the State generally yield brackish water.

FISHERMEN IN TRAVANCORE-COCHIN

2059. Shri V. P. Nayar: Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether the Government of Indian are aware that in the Travancore-Cochin State seagoing fishermen have necessarily to give a portion of their daily catch of fish to the church authorities; and

(b) the amenities provided by the church authorities in lieu of such contribution?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) and (b). Information is being collected and as soon as it is received a statement will be placed on the Table of the Lok Sabha.

NEW RAILWAY LINES IN ASSAM

2060. Shri D. N. Sharma: Will the Minister of **Railways** be pleased to state:

(a) whether there are any schemes of expansion of Railway lines in the State of Assam in the Second Five Year Plan period;

(b) if so, the names of places to be connected by Railway lines; and

(c) if not, the reasons thereof?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) The schemes regarding the construction of new railway lines during the Second Five Year Plan Period are still in an exploratory stage and no decision has yet been taken except on those projects which are specifically required for operational purposes and the steel works or coal development projects. A survey is, however, proposed to be undertaken in 1956-57 for a line connecting Darangiri in the Garo Hills to Pandu.

(b) and (c). Do not arise.

ALL INDIA RAILWAY WEEK

2061. { Thaur Jugal Kishore Sinha: Shri Asthana:

Will the Minister of **Railways** be pleased to state:

(a) the achievements in connection with the different items of the programme of the All-India Railway Week; and

(b) the total expenditure incurred zone-wise on each item?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). Information is being collected and will be laid on the Table of the House.

BANK EMPLOYEES

2062. Shri Nambiar: Will the Minister of **Labour** be pleased to state:

(a) whether it is a fact that the Government of India referred all the victimisation cases of Bank employees adjudicated by Sen Tribunal to the industrial Tribunals when the Supreme Court of India declared the Sen Award void and without jurisdiction;

(b) whether it is also a fact that some cases of dismissal of employees by Lloyds Bank Limited of the Calcutta Branches were not referred to the Tribunal; and

(c) if so, why?

The Deputy Minister of Labour (Shri Abid Ali): (a) No, only such cases where the Sen Tribunal had granted relief were referred for adjudication to a new Tribunal.

(b) and (c). The Sen Tribunal heard sixty-two cases of dismissed employees of the Lloyds Bank, Calcutta. In its award, the Tribunal stated that twenty two cases were not pressed by the employees' representative, eleven of them were cases of dismissal on conviction in a Court of Law and eleven of forced retirement. The Tribunal granted relief only in the case of the remaining forty employees. When the Sen Award was set aside by the Supreme Court, the cases of only the forty employees were referred for adjudication.

RAILWAY CROSSINGS

2063. Shri Bheekha Bhai: Will the Minister of **Railways** be pleased to state:

(a) the number of railway crossing to be provided in Rajasthan during 1956-57; and

(b) the number of places where such crossings are to be provided?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). No railway level crossings are being provided in Rajasthan during 1956-57 and no such demand has so far been received. However, the replacement of level crossing No. 223 between Jaipur and Gandhinagar at mile 149/4-5 by a road overbridge has been sanctioned. A similar proposal for the provision of a road over bridge at level crossing No. 224 at mile 149½ 14-15 near Jaipur is at present under correspondence with the Rajasthan Government.

RAILWAY BOOK STALLS

2064. { Thakur Jugal Kishore Sinha: Shri Asthana:

Will the Minister of **Railways** be pleased to place on the Table of the Sabha a list of books and magazines which have been found undesirable for exhibition on Railway book stalls and a list of Tourist and Sarvoday literature to be popularised through these stalls?

The Deputy Minister of Railways and Transport (Shri Alagesan): A statement is laid on the Table. [Placed in Library. [*See* No. S-184/56].

RURAL INDEBTEDNESS

2065. Shri Ibrahim: Will the Minister of **Food and Agriculture** be pleased to state:

(a) the amount of rural debt as estimated at present;

(b) how much of it is estimated to have been newly contracted after 1952; and

(c) the number of Land Mortgage Banks at present in the country?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) and (b). No estimate of rural debt has been made so far. It is also not possible to give an estimate of the debt newly contracted after 1952.

(c) There were nine central Land Mortgage Banks and 291 primary Land Mortgage Banks in the country on 30-6-1954.

CATTLE DISEASE

2066. Shri Madiah Gowda: Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether any remedy has been discovered for prevention and cure of foot and mouth diseases in cattle; and

(b) in which part of India this disease is most prevalent?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) So far, no effective remedy has been found for the treatment of the disease, but a prophylactic vaccine has been evolved at the Indian Veterinary Research Institute, Mukteswar.

(b) The disease is prevalent throughout the country.

ASSAM RAILWAYS

2067. Shri K. P. Tripathi: Will the Minister of **Railways** be pleased to state:

(a) the number of special locomotives at present provided for the Hill Section of the Assam Railways;

(b) the number actually required;

(c) the steps being taken to complete the requirement; and

(d) whether there is overcrowding due to lack of another train on the Section?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) 21 (17 'Garratts' and 4 'K' Class).

(b) 21.

(c) Does not arise.

(d) No.

RAILWAY FACILITIES IN ASSAM

2068. Shri K. P. Tripathi: Will the Minister of **Railways** be pleased to state:

(a) whether the Government of Assam have requested for additional passenger and parcel trains inside Assam and on the link line; and

(b) if so, the action taken in the matter?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) No such request appears to have been received.

(b) Does not arise.

ASSAM RAIL LINK

2069. Shri K. P. Tripathi: Will the Minister of **Railways** be pleased to state:

(a) whether any third class sleeping coaches are provided in Assam link;

(b) whether vans for parcels, fish and poultry are provided in Assam Railways including the link line;

(c) whether tank wagons for petrol are in short supply so far as Assam petrol is concerned;

(d) whether the supply of bogie open timber trunk in Assam Railway is in short supply; and

(e) if so, how far?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) No.

(b) Yes. (i) Parcel Vans are provided in the following trains between the Sections noted against each:—

Train No.	Section between which provided
511 Up/512 Dn 513 Up/514 Dn	Pandu-Tinsukia
303 Up/304 Dn 305 Up/306 Dn	Maniharighat-Amingaon
317 Up/318 Dn	Katihar-Amingaon
695 Up/696 Dn	Dibrugah Town-Ledo

Besides above, parcel trains No. 517 Up/518 Dn also run between Katihar and Siliguri.

(ii) 15 Fish Vans and 5 Poultry Vans are also available on Pandu Region and are utilised according to traffic requirements.

(c) Yes.

(d) Yes.

(e) In so far as tank wagons are concerned, the tank wagon fleet based at Tinsukia fully met the demands upto December 1955. Since January, 1956, the demands have increased by 6 to 7 tanks wagons a day which are peak demands which the existing allotment of tank wagons does not cover.

So far as supply of bogie timber trucks is concerned, additional 320 such bogie trucks are estimated by the North Eastern Railway to meet the full demands of traffic on that Railway. Out of this, about 160 bogie trucks are expected to meet the demands of timber traffic from Assam.

RAILWAY FREIGHT RATES

2070. Shri K. P. Tripathi: Will the Minister of **Railways** be pleased to state:

(a) whether the Government of Assam have asked for same freight rates to be charged for goods coming from Calcutta and Katihar to Assam as were charged before partition of India plus any percentage of surcharge subsequently levied;

(b) if so, the decision, if any arrived at;

(c) whether any freight pools are under consideration for Assam; and

(d) if so, for what commodities?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) No such reference has been made to the Railway Ministry.

(b) Does not arise in view of the answer to part (a).

(c) The whole question of freight charges in the future is under examination by the Freight Structure Enquiry Committee and future policy of freights will be decided upon, when their recommendations are received.

(d) Does not arise in view of the answer to part (c).

राष्ट्रीय राजपथ

२०७१. **श्री के० सी० सोबिया** : क्या परिवहन मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि मध्य प्रदेश के सागर जिले में राष्ट्रीय राजपथ संख्या २६ पर कुछ पुल और पुलियां बनाने की मंजूरी दी गई है;

(ख) यदि हां, तो वे पुल और पुलियां कौन-कौन सी हैं, मंजूरी कब दी गई थी और प्रत्येक पुल के लिये कितनी रकम मंजूर की गई थी;

(ग) क्या यह मंजूर हुई रकम व्ययगत हो गई है क्योंकि काम शुरू नहीं हुआ था; और

(घ) यदि नहीं, तो इनके निर्माण कार्य आरम्भ होने में विलम्ब के कारण क्या है ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन): (क) तथा (ख). राष्ट्रीय मुख्य मार्ग संख्या २६ के सागर-नरसिंहपुर खंड में देहार नदी के ऊपर पुल बनाने के लिये २२ दिसम्बर १९५५ को १ लाख ९१ हजार रुपये की अनुमानित धनराशि मंजूर कर दी गई थी।

(ग) जी, नहीं।

(घ) सवाल ही पैदा नहीं होता।

ALL INDIA RAILWAY WEEK

2072 { **Thakur Jugal Kishore Sinha:** **Shri Asthana:**

Will the Minister of **Railways** be pleased to state:

(a) the names of the articles that have been published by various officers of the Railways on the occasion of the All India Railway Week; and

(b) whether there is any proposal to publish a symposium of such articles?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). A statement showing the information is attached. [*See* Appendix XIII, annexure No. 39].

TEZPUR AERODROME

2073. Shri K. P. Tripathi: Will the Minister of **Communications** be pleased to state:

(a) whether there is any arrangement for the following in the aerodrome at Saloni in Tezpur:—

(i) telephone

(ii) ambulance

(iii) fire brigade;

(b) whether any inconvenience was caused due to the absence of the same during the recent plane crash in the said aerodrome; and

(c) if the answer to part (a) is in the negative, what steps are contemplated in providing the above?

The Minister in the Ministry of Communications (Shri Raj Bahadur): (a) (i) No, Sir.

(ii) Yes, Sir.

(iii) I lay on the Table of the Lok Sabha a statement giving details of fire-fighting equipment available at Tezpur Aerodrome. [*See* Appendix XIII, annexure No. 40].

(b) In the absence of a telephone at the aerodrome, there was some delay in getting assistance from the local Municipality for fighting the fire.

(c) Steps are being taken to expedite the installation of a telephone at Tezpur aerodrome and to augment the existing fire fighting equipment.

जनाने डिब्बे

२०७४. **श्री पी० एल० बारूपाल** : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि २१ अप्रैल, १९५६ को दिल्ली से बीकानेर जाने वाली रात की गाड़ी में कुछ फौजी सिपाही जनाने डिब्बे में घुस गये थे और रेलवे प्राधिकारी उन्हें बड़ी कठिनाई से बाहर निकाल सके;

(ख) यदि हां, तो फौजी सिपाही किस कारण से जनाने डिब्बे में दाखिल हुए; और

(ग) क्या यह सच है कि बीकानेर-दिल्ली के बीच चलने वाली गाड़ी में प्रथम श्रेणी के डिब्बे में भी स्थान नहीं मिलता और यात्रियों को बहुत असुविधा होती है ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन): (क) जब गाड़ी प्लेटफार्म से चली, उसी समय कुछ फौजी सिपाही जनाने डिब्बे में घुस गये, लेकिन जब खतरे की जंजीर खींची गयी और गाड़ी रुकी तो रेल-कर्मचारियों ने उन्हें बिना किसी कठिनाई के डिब्बे से बाहर उतार दिया।

(ख) ताकि वे कम भीड़ वाले डिब्बे में सफर कर सकें।

(ग) दिसम्बर, १९५५ में बीकानेर मेल में चलने वाले यात्रियों की जो गणना की गयी उससे पता चला कि दिल्ली और लोहारू के बीच तीसरे दर्जे में बहुत भीड़ होती है और दूसरे दर्जे में भी कुछ भीड़ रहती है, लेकिन पहले दर्ज का पूरा इस्तेमाल नहीं हो पाता। लेकिन हो सकता है कि कुछ खास दिन पहले दर्ज में भी भीड़-भाड़ रहती हो।

गंगानगर से जयपुर तक रेलगाडी

२०७५. **श्री पी० एल० बारूपाल** : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या रेलवे प्रशासन को इस सम्बन्ध में कोई अभ्यावेदन प्राप्त हुआ है कि गंगानगर से जयपुर तक का एक सीधा डिब्बा लगाया जाये; और

(ख) यदि हां, तो सरकार इस सम्बन्ध में क्या करना चाहती है ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन): (क) जी हा।

(ख) इस तरह का सीधा डिब्बा चलाने के लिए यातायात काफी नहीं है।

Polio Treatment

2076. Dr. Satyawadi: Will the Minister of **Health** be pleased to state:

(a) whether it is a fact that Government issued a circular to the State Governments in 1953 enquiring about the facilities available for training the personnel for Polio treatment;

(b) if so, the outcome of these enquiries; and

(c) the names of the States who offered these facilities?

The Minister of Health (Rajkumari Amrit Kaur): (a) The answer is in the negative.

(b) and (c). Do not arise.

Col. Amir Chand Trust

2077. Shri Badshah Gupta: Will the Minister of **Health** be pleased to state the researches made by the respective doctors to whom prizes have been given by her this year from Col. Amir Chand Trust?

The Minister of Health (Rajkumari Amrit Kaur): The particulars of the researches made, together with the names of the doctors, are as follows:

1. Hypothalmic control of pituitary adrenocortical response to stress stimuli by Dr. B. K. Anand, Dr. S. Dua, Dr. S. Mohindra and Dr. S. Raghunath.

2. The treatment and Hygienic Disposal of Lac Wastes by Dr. T. R. Bhaskaran.

3. Relationships between cutaneous thermal skin temperature and the cross sectional area of the stimulus by Dr. P. P. Lele.

4. Study of Gastric Stretch Receptors, their role in the peripheral mechanism of satiation of hunger and thirst by Dr. A. S. Paintal.

5. Liver injury in Protein Malnutrition by Dr. V. Ramalingaswami, Dr. S. Sriramachari and Dr. V. N. Patwardhan.

मलेरिया नियंत्रण योजना

२०७८. **श्रीमती अनुसूयाबाई बोरकर** : क्या स्वास्थ्य मंत्री यह बताने की कृपा करेंगी कि :

(क) मध्य प्रदेश में मलेरिया नियंत्रण योजना के अन्तर्गत क्या-क्या काम किये गये हैं; और

(ख) इस वर्ष उस पर कितनी रकम खर्च की गयी ?

स्वास्थ्य मंत्री (राजकुमारी अमृत कौर): (क) ४८,८५२ गांवों व शहरों में रहने वाले २०,४६८,३९८ की कुल अनुमानित आबादी में से राष्ट्रीय मलेरिया नियन्त्रण प्रोग्राम के अन्तर्गत १७,४७४ गांवों व शहरों में रहने वाले ७,८२७,१४८ व्यक्तियों को मलेरिया से बचाया गया है।

(ख) भारत सरकार ने १९५५-५६ के दौरान में द्रव्य और प्रसाधन के रूप में २३,८४,८५५ रुपये का सहायक अनुदान दिया है और मध्य प्रदेश की सरकार ने कर्मचारियों के वेतन, पेट्रोल व तेल की कीमत, ट्रान्सपोर्ट की मरम्मत और Miscellaneous Contingencies पर ११,०२,८०७ रुपये खर्च किये हैं।

प्रसूति तथा बाल कल्याण केन्द्र

२०७९. **श्रीमती अनुसूयाबाई बोरकर :** क्या **स्वास्थ्य** मंत्री यह बताने की कृपा करेंगी कि :

(क) पिछड़े ग्रामीण क्षेत्रों में १९५५-५६ में जो ६५ प्रसूति तथा बाल कल्याण केन्द्र खोले जाने वाले थे, उनमें से अब तक कितने खोले जा चुके हैं ;

(ख) ये केन्द्र किन किन स्थानों में खोले गये हैं; और

(ग) मध्य प्रदेश में ऐसे कितने केन्द्र हैं ?

स्वास्थ्य मंत्री (राजकुमारी अमृत कौर) : (क) से (ग). १९५५-५६ तक में विभिन्न राज्यों के पिछड़े ग्रामीण क्षेत्रों में केन्द्रीय सहायता से खोले गये प्रसूति व बाल कल्याण केन्द्रों की संख्या और स्थानों के नाम का विवरण सभा पटल पर रखा जाता है [**देखिये परिशिष्ट १३, अनुबन्ध सं० ४०-क**].

मध्यप्रदेश में प्रशिक्षण चिकित्सालय

२०८०. **श्रीमती अनुसूयाबाई बोरकर :** क्या **स्वास्थ्य** मंत्री यह बताने की कृपा करेंगी कि :

(क) मध्य प्रदेश में कितने प्रशिक्षण चिकित्सालय (चिकित्सा सम्बन्धी कालेज) हैं और वे कहां कहां हैं;

(ख) उनमें से कहां कहां खुराक रसोई घर स्थापित हो गये हैं; और

(ग) वहां पर कितने अंडर-ग्रेजुएट विद्यार्थी शिक्षा पा रहे हैं ?

स्वास्थ्य मंत्री (राजकुमारी अमृत कौर) : (क) दो; एक नागपुर में और एक जबलपुर में।

(ख) एक विशेष खुराक रसोई घर मेडिकल कालेज अस्पताल, नागपुर में स्थापित किया गया है।

(ग) ५८८।

RAILWAY TIME TABLE

2081. Shri Boovaraghasamy: Will the Minister of **Railways** be pleased to state:

(a) the total number of copies of All India Railway Time Table printed and published for October 1955 issue;

(b) the total number of copies sold; and

(c) the amount of gain or loss on the whole?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a)

English Edition	Hindi Edition	
	Part I	Part II.
6090	1674	1869

(b) and (c). Information is still under collection and will be laid on the Table of the Lok Sabha on receipt.

TUBE-WELLS

2082. Sardar Iqbal Singh:
Sardar Akarpuri:

Will the Minister of **Food and Agriculture** be pleased to state:

(a) the amount given to the PEPSU and Punjab Government during 1955-56 for the construction of tube-wells; and

(b) the number of tube-wells constructed so far?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) Under large scale tubewell construction programmes sponsored by the Government of India, loans amounting to Rs. 126·43 lakhs to Government of Pepsu and Rs. 219·54 lakhs to the Government of the Punjab were sanctioned.

(b) The number of tube-wells constructed (drilled) upto 31-3-1956 under these programmes was 474 in Pepsu and 573 in the Punjab.

POST OFFICES

2083. **Sardar Iqbal Singh:**
Sardar Akarpuri:

Will the Minister of **Communications** be pleased to state:

(a) the number of Head Post Offices working in Punjab and PEPSU at present;

(b) the number of Branch Post Offices there; and

(c) the number of Rural Post Offices?

The Minister in the Ministry of Communications (Shri Raj Bahadur): (a) to (c). The information is being collected and will be placed on the Table of the Lok Sabha in due course.

PUBLIC CALL OFFICES

2084. **Sardar Iqbal Singh:**
Sardar Akarpuri:

Will the Minister of **Communications** be pleased to state the number of Public Call Offices to be opened in the rural areas of Punjab and PEPSU State in 1956-57?

The Minister in the Ministry of Communications (Shri Raj Bahadur):

Punjab—About 22
Pepsu—About 9

(Subject to their being found justified and materials becoming available in time).

भोजन व्यवस्था

२०८६. **श्री जांगडे** : क्या **रेलवे** मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या दक्षिण पूर्वी रेलवे में ठेकेदारों द्वारा खाने-पीने की चीजों के लिये उप-ठेके देने के बारे में कुछ अभ्यावेदन अथवा प्रार्थना पत्र प्राप्त हुये हैं;

(ख) कितने ठेकेदारों के खिलाफ ये शिकायतें प्राप्त हुई हैं और वे कब प्राप्त हुई थीं;

(ग) अब तक उन पर क्या कार्यवाही की गयी है; और

(घ) कितने रेलवे कर्मचारी भी इस सम्बन्ध में दोषी पाये गये ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन): (क) जी, हां ।

(ख) बारह । ये शिकायतें १९५५ के जुलाई, अगस्त और सितम्बर महीने में मिली थीं ।

(ग) मामले की जांच हो रही है ।

(घ) भाग (ग) के उत्तर को देखते हुए सवाल नहीं उठता ।

बिलासपुर रेलवे बस्ती में स्कूल

२०८७. **श्री जांगडे** : क्या **रेलवे** मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या बिलासपुर रेलवे बस्ती के निवासियों ने चार वर्ष पूर्व दक्षिण पूर्वी रेलवे के जनरल मैनेजर के पास यह अभ्यावेदन भेजा था कि इस बस्ती में एक उच्चतर माध्यमिक स्कूल खोला जाये;

(ख) इस रेलवे बस्ती की जनसंख्या क्या है;

(ग) १९५२, १९५३, १९५४ और १९५५में अलग अलग प्रारम्भिक और माध्यमिक स्कूलों में कितने विद्यार्थियों को प्रवेश नहीं मिल सका; और

(घ) इस बस्ती के कितने विद्यार्थियों ने उक्त वर्षों में मिडिल स्कूल की परीक्षाय पास कीं और कितने विद्यार्थियों को इन वर्षों में शहर में हाई स्कूलों में प्रवेश नहीं मिल सका ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन): (क) जी हां ।

(ख) ३०८५ रेलवे कर्मचारी ।

(ग)

साल	प्राइमरी	सेकेंडरी (अर्थात मिडिल स्कूल)
१९५२	६९	कोई नहीं
१९५३	८७	कोई नहीं
१९५४	७७	कोई नहीं
१९५५	९१	कोई नहीं

(घ)

साल	कितने विद्यार्थी पास हुए	कितने हाई स्कूल में दाखिल किये गये	कितनों को दाखिला नहीं मिला
१९५२	१८	—	—
१९५३	३६	१३	१९
१९५४	३७	११	२४
१९५५	५०	१७	३३

MILCH CATTLE

2088. **Thakur Jugal Kishore Sinha:**
Shri Asthana:

Will the Minister of **Food and Agriculture** be pleased to state:

(a) the State-wise targets for the improvement of Milch cattle in the First Five Year Plan by opening artificial insemination centres and village key schemes; and

(b) how far the targets were achieved, State-wise?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) and (b). A statement is attached. [*See* Appendix XIII, annexure No. 41.]

[*Tuesday, 15th May, 1956*]

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2208	Railway Users' Consultative Committees	3807
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2217	Telegraphic Link with Godda	3808
2220	Leprosy	3808
2222	Wagons for Coal Movement	3808-09
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(Part II—Proceedings other than Questions and Answers)

LOK SABHA SECRETARIA
NEW DELHI

SIX ANNAS (INLAND) TWO SHILLINGS (FOREIGN)

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LOK SABHA DEBATES

(Part II—Proceedings other than Questions and Answers)

LOK SABHA

Tuesday, 15th May, 1956

The Lok Sabha met at Half Past Ten of the Clock

[MR. SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(*See* Part I)

11-30 A.M.

SECOND FIVE YEAR PLAN

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): Mr. Speaker, Sir, I have the honour to present to Parliament and lay on the Table of the House a copy of the Report of the Planning Commission on Second Five Year Plan [*Placed in Library See* No. S-177/56]

This is rather a bulky volume. It is divided up into two parts, the second part dealing with details of the schemes and the first part dealing largely with broad approaches, policies and various other problems, industrial, agricultural, etc., that arise. A Draft Outline of this was circulated some time ago and after considering the criticisms that have been received, this is for the moment finalised. I believe now cyclostyled summaries of this will be placed in the hands of the Members and a full copy would also be available in the Notice Office. Printed copies of the summary will also be issued very soon. It is proposed to issue soon translations in the various Indian languages of the full book,—it may take a little time—as also summaries of it in the various languages.

A Hindi version of the Draft Outline is being circulated today. I regret it is slightly out of date—that is obvious. As it gives many of the facts contained in this and it is ready, we are circulating it. But, the other Hindi edition and others will be ready before very long. It is proposed also to issue pamphlets on individual aspects of the Plan, and separate sections will be printed separately for those who are interested in each part. It is proposed to issue soon a report on the development programme for 1956 and 1957 and a volume on the development schemes in the Second Five Year Plan. A new edition of the book called Building of New India is also being issued.

I understand that it has been decided by the Business Advisory Committee and approved by the House that four Committees should be formed of Members of the House to consider the subjects divided into four groups, and that these Committees are going to begin functioning from today. That is, I understand the Chairmen of these Committees are meeting today the Minister of Planning to decide on their procedure and course of action. I believe that the debate on this should begin on the 23rd of this month in this House.

Now, Sir, many Members present here may remember that it was almost exactly three and a half years ago that I presented to this House the Planning Commission's report on the First Five Year Plan. It was in effect presented after the First Five Year Plan had been functioning a year and a half. This time, we have improved somewhat on that and we are presenting this report only five weeks after the Plan started functioning from the 1st of April. Of course, this business of the Plan's functioning does not start on a particular date. Planning, and even more so, implementation of a Plan is a continuous process. It goes on; it does not stop on a particular date. But, for purposes of calculation, targets, financial arrangements, etc., we have to give this time table.

Hon. Members, in looking through this report, will see that stress has been laid on what I might call flexibility. That is, while the Plan is there for the House to consider, and when approved, for the country to act upon, it is not a rigid Five Year Plan. It is proposed to consider it from time to time and, in effect, to have annual plans varied here and there as experience dictates and as conditions necessitate. So that, while we have a Five Year Plan, it is going to be considered annually and where necessary revised. Also, although a

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Five Year Plan is in one sense rather a long period and we have to divide it up into annual plans, in another sense, it is much too short a period for planning. We have to consider what is called perspective planning, that is consider a picture of 15 years or 20 years and keep that in view in drawing up these Five Year Plans, because many of the things that we undertake take several years. Apart from that, unless we have some kind of a picture of a social structure that we are aiming at, that we are going to, it will be difficult for each step to be conditioned, to be directed towards that end. We must have that picture. That picture, of course, need not be a rigid one or a kind of a steel frame. But, broadly speaking, it does become necessary for us to have this perspective planning.

I do not propose at this stage to take the time of the House; but I think that perhaps it may be helpful if I read some parts of the Introduction of this report. This gives briefly the stages through which it has passed and the general outlook that has governed that.

> "The Plan was considered in draft by the National Development Council which passed the following Resolution on the 2nd May, 1956 :
>
> HAVING considered the Draft Second Five Year Plan,
>
> THE National Development Council places on record its general approval and acceptance of the objectives, priorities and programmes embodied in the Plan; and
>
> REPLYING on the enthusiasm and support of the people;
>
> AFFIRMS the common determination of the Central Government and the Governments of all the States of the Union of India to carry out the Plan, and to improve upon the targets set out in it; and
>
> CALLS upon all the citizens of India to work wholeheartedly for the full and timely realisation of the tasks, targets and aims of the Second Five Year Plan."

The beginning and the end of a Five Year Plan are vital dates in the nation's history. Each Five Year Plan is both an assessment of the past and a call for the future. It seeks to translate into practical action the aspirations and ideals of the millions in the country and gives to each of us the opportunity of service in the common cause of eliminating poverty and raising standards of living.

The First Five Year Plan ended in March, 1956. Its approach and outlook are part of our common thinking. It has laid the foundations for achieving the socialist pattern of society—a social and economic order based upon the values of freedom and democracy, without caste, class and privilege, in which there will be a substantial rise in employment and production and the largest measure of social justice attainable.

Work on the Second Five Year Plan has been in progress for about two years. In April 1954, the Planning Commission requested State Governments to arrange for the preparation of district and village plans, especially in relation to agricultural production, rural industries and co-operation. The preparation of such plans was undertaken as it was felt that in sectors which bear closely on the welfare of large numbers of people local planning is an essential means for securing the maximum public participation and voluntary effort. While plans for districts and villages and for national extension and community project areas have to be fitted within the framework of State plans which, in turn, take cognizance of plans prepared from the point of view of the economy of the country as a whole, the district is still the pivot of the whole structure of planning. At this point plans from different sectors come intimately into the life of the people.

The study of wider aspects of national plannig also commenced during 1954. Towards the end of the year the assistance of the Indian Statistical Institute was obtained for the study of technical and statistical problems relating to national planning, and a number of working papers were prepared at the Institute. In March, 1955, the results of these and other studies were brought together in Professor P. C. Mahalanobi's 'Draft Recommendations for the Formulation of the Second Five Year Plan' (referred to as the 'plan-frame') and in a 'Tentative Framework' for the Second Five Year

Plan which was prepared by the Economic Divisions of the Ministry of Finance and the Planning Commission. These documents were considered in April 1955 by the Planning Commission's Panel of Economists, which drew up a 'Memorandum on Basic Considerations Relating to the Plan-Frame'. Members of the Panel also prepared a number of studies on individual aspects.

The 'plan-frame' and the other documents mentioned above were considered by the National Development Council early in May 1955. The National Development Council generally agreed with the basic approach of the draft 'plan-frame' and 'tentative framework' and with the policy considerations relating to it which were put forward in the Memorandum of the Panel of Economists.. The Council also agreed that the Second Five Year Plan should be drawn up so as to be capable of leading to an increase in national income of about 25 per cent. over a period of five years and of providing employment opportunities to 10 to 12 million persons. Further, the Council directed that the Second Five Year Plan should be drawn up so as to give concrete expression to policy decisions relating to the socialist pattern of society.

Between July and December 1955, the Planning Commission held discussions with Central Ministries and with State Governments.

Then it goes on to say :

"During January 1956, a Draft Memorandum embodying the proposals which emerged from these discussions was considered by the National Development Council and the Consultative Committee of the Members of Parliament. In the light of these discussions and other comments, a Draft Outline was published in February 1956 for general information and for eliciting comments and suggestions. Suggestions received on the Draft Outline were taken into consideration in the preparation of the Draft Second Five Year Plan.

In the course of the past year certain considerations have impressed themselves upon the minds of those concerned with the formulation of the Second Five Year Plan.

A Plan for a period of five years has to be viewed in the social and economic perspective of a longer period. It has to be worked in a flexible manner so that, through annual plans, adjustments are effected in the light of economic and financial trends, increase of production in agriculture and industry, and progress in different sectors of the Plan. Close coordination has to be arranged in the related fields of industry, transport minerals and power, so that the expenditure incurred on each group of connected projects yields the maximum return. As the National Development Council recognised, to offset inflationary pressure associated with a period of rapid development, it is imperative that the targets of agriculture production proposed in the Plan should be further improved upon. At each stage adequate supplies of food and cloth and of essential consumer goods will have to be provided at reasonable prices and a careful watch on the working of the national economy maintained.

Our Second Five Year Plan seeks to rebuild rural India, to lay the foundations of industrial progress, and to secure to the greatest extent feasible opportunities for weaker and under-privileged sections of our people and the balanced development of all parts of the country. For a country whose economic development was long retarded these are difficult tasks but, given the effort and the sacrifice, they are well within our capacity to achieve.

The Plan which is now presented to Government for submission to Parliament is a result of the labours of large number of persons in the Central Government, in the States at various levels and leaders of thought and opinion in every part of the country. In its preparation men and women in all walks of life have given generously of their time and experience. The enthusiasm and the widespread participation which have gone into the making of the Second Five Year Plan are the best augury for its fulfilment."

PAPER LAID ON THE TABLE

AMENDMENT TO INDIAN AIRCRAFT RULES

The Minister in the Ministry of Communications (Shri Raj Bahadur): I beg to lay on the Table, under sub-section (3) of section 5 of the Indian Aircraft Act, 1934, a copy of the Notification No. AR|1937(9), dated the 13th February 1956, together with the Explanatory Note, making certain further amendment to the Indian Aircraft Rules, 1937. [*Placed in Library. See No. S-178|56*]

Shri Kamath (Hoshangabad): You were good enough to accept a suggestion of mine that when a Minister corrects his earlier reply to a question, copies of that might be made available in the Notice Office. If statements like this are going to be made in the House or copies are to be laid on the Table of the House, those should be made available to us 15 minutes before it is due here, at the Notice Office. Sometimes some points arise on which we might like to have clarification. There should be no difficulty with regard to making this available to us earlier.

Mr. Speaker: I will consider it in consultation with the Ministries.

MESSAGES FROM RAJYA SABHA

Secretary: Sir, I have to report the following two messages received from Secretary of Rajya Sabha:

(i) "I am directed to inform the Lok Sabha that the Rajya Sabha at its sitting held on the 14 May, 1956 passed the following motion:

'That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Committees on the Second Five Year Plan proposed in the Thirty-fifth Report of the Business Advisory Committee of the Lok Sabha and communicate to the Lok Sabha the names of Members of the Rajya Sabha on the said Committees'."

(ii) "In accordance with the provisions of rule 125 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 11th May, 1956, agreed without any amendment to the Parliamentary Proceedings (Protection of Publication) Bill, 1956, which was passed by the Lok Sabha at its sitting held on the 4th May, 1956."

REPRESENTATION OF THE PEOPLE (SECOND AMENDMENT) BILL

The Minister of Legal Affairs (Shri Pataskar): I beg to move:

"That the Bill further to amend the Representation of the People Act, 1951 and to make certain consequential amendments in the Government of Part C States Act, 1951, as reported by the Select Committee, be taken into consideration."

I have already explained in detail the salient features of the various clauses of the Bill when the motion for referring the Bill to the Select Committee was considered by this House. I do not propose to deal with those features over again and take the valuable time of this House. I shall confine myself briefly to the various changes that have been made in the Bill by the Select Committee as well as to the several points which have been raised by some hon. Members of the Committee in their Minutes of Dissent.

I may mention here that in pursuance of the instructions given to the Select Committee by this House, the Committee discussed not only matters dealt with in the Bill as introduced, but also other matters dealt with in the Representation of the People Act, 1951 as a whole. In other words, the entire Representation of the People Act, 1951, has been subjected to the discussion and scrutiny of the Select Committee.

The Representation of the People Act, 1951, deals principally with the conduct of elections to the Houses of Parliament and to the State Legislatures and with matters ancillary to and consequential upon the conduct of such elections. These ancillary and consequential matters relate to qualifications and disqualifications for membership of the Houses of Legislature and the corrupt and illegal practices and other offences

at or in connection with such elections and also the decision of doubts and disputes arising out of or in connection with such elections.

If the experiment of parliamentary democracy in our country is to succeed, it is essential that the choice of representatives of the people should be made in a free, fair and impartial manner. It is not only enough that every adult citizen in the country is given the right of franchise guaranteed by the Constitution, but it is also important that every citizen should be enabled to exercise that right of franchise in a free and fair manner. The vote in a democracy is the free expression of opinion. The provisions of the Representation of the People Act, 1951, aim at the securing of such free expression of opinion by the adult citizens of the country, so that as a result of such very free expression of opinion, they may select persons of their choice to represent them in the different Houses of the legislatures. Adequate and proper statutory provisions relating to the conduct of elections, and matters ancillary thereto, to regulate the process of selecting their representatives are thus necessary to ensure free and fair elections.

The electorate in a new and infant democracy like ours has to be saved from being subject to harmful influences likely to warp their judgment in the matter of the choice of their representatives. Exploitation of prejudices and passions harmful to the nation's interest must be prevented. Similarly, wrong inducements to voters to exercise their rights must also be prevented. All these are dangers which beset in a peculiar degree in a system where large masses of people have to exercise their right of vote for selecting proper representatives simultaneously. To achieve this object of ensuring free and fair elections under difficult conditions, we have to make proper provision in the Representation of the People Act. The purpose of such an Act is to maintain the purity of the legislatures and to avoid a conflict between duty and interest, as was rightly observed by the Supreme Court in Chaturbhuj Vithaldas Jasani's case.

I may be permitted to express my heart-felt gratitude to the Members of the Select Committee for the full realisation of their responsibility in the great task which was entrusted to them in the way of suggesting suitable changes in a measure of such far-reaching importance. And I am very glad that the Select Committee, under the able guidance of its chairman who is himself a veteran parliamentarian, have discharged their responsible functions in a highly credited manner.

The Select Committee considered each provision of the Act in a calm and dispassionate spirit a in order to see whether any such provision needed any change, having regard to the high and noble object of the Act. I may now refer in brief to the principal changes made by the Select Committee in this Bill.

In the first place, the Select Committee considered in great detail the provisions as to disqualifications for membership as contained in chapter III of the Act. After detailed discussion, the Select Commitee felt that excepting the changes proposed in clause (c) of section 7 of the Act, all the other clauses should remain as they are. In clause (c), the Select Committee thought that attaching disqualification for five years for failure to lodge an account of election expenses was too severe a punishment, as in that event normally the person would be debarred from being a candidate even at the next general elections. The Select Committee have therefore very appropriately reduced the period of disqualification from five years to three years.

The House will, I am sure, agree that there are great advantages in holding general elections for the House of the People and the State Assemblies simultaneously throughout the country. The Select Committee, after careful consideration, have amendment sections 14 and 15 in such a manner as to make it possible to hold general elections simultaneously. This has been done by clause 7 of the Bill as amended by the Select Committee.

At present, an assistant returning officer cannot ordinarily perform any of the functions of the returning officer, which relate to the acceptance of a nomination paper or to scrutiny of the nominations or to the counting of votes, unless the returning officer is unavoidably prevented from performing the said functions. In the Bill as introduced, this restriction on the functions of

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the assistant returning officer was entirely taken away, but the Select Committee felt that the scrutiny of nominations was a very important matter, because it might involve improper acceptance or improper rejection of nomination papers, and therefore came to the conclusion that the scrutiny of nomination papers should not be left to be performed by an assistant returning officer.

In the next place, coming to the programme of elections as contained in clause 13 of the Bill, the Select Committee felt that there should be an interval of at least two days between the last date for making nominations and the date of scrutiny. Clause (b) of proposed new section 30 has accordingly been amended.

Section 36 of the Act, as Members are aware, deals with scrutiny of nominations. In the Bill as introduced, disqualification for membership as a ground for the rejection of a nomination paper was removed from section 36. But the Select Committee, after having gone through the matter carefully thought that the question of disqualification should also be considered at the time of scrutiny and should therefore remain as a ground for rejection of a nomination paper.

Section 37 of the Act contains provisions relating to withdrawal of candidature. But this withdrawal must take place within the third day after the date of scrutiny of the nomination paper. On the expiry of this date, no candidate can disappear from the contest, with the result that polls are to be invariably taken in every case. The Select Committee felt that a candidate should be allowed to retire from the contest even ten days before the commencement of the poll. For this purpose, the Select Committee have inserted a new section 55-A by clause 32 of the Bill. The provisions of this new section will apply with relation to any election in a parliamentary or Assembly constituency, and not in relation to other constituencies, because in those other cases, there would not be any difficulty in this respect. The salutary effect of this provision will be that in many cases, the taking of polls will not be necessary, thereby, unnecessary expenditure both on the part of Government as well as on the part of candidates will be avoided.

At present, there is some doubt whether the notifications as to general elections under section 73 or 74 of the Act can be issued even though the election in one or two constituencies has not been completed. To put this matter beyond any shadow of doubt, the Select Committee have provided that upon the issue of such notification, the House of the People or the State-legistative Assemblies shall be deemed to be duly constituted, even though the elections in a few constituencies had not been completed on the date of issue of the said notification. But at the same time, it has been provided that the issue of the notification will not operate as automatic dissolution of the existing House of the People or of the State Assemblies. The Select Committee felt that there was hardly any necessity for the issue of such notification relating to elections to the Council of States or the electoral colleges or to State Legislative Councils. The provisions of these sections have therefore been omitted, and one single section, namely section 71 has been substituted for sections 73 and 74. This new section now deals with the notifications for general elections to the House of the People as well as the State Legislative Assemblies.

The Select Committee very carefully considered the question of election expenses and came to the conclusion that a period should be specified for which only election expenses should be maintained. And the Select Committee thought that this period should be the period between the date of the publication of the notification calling the election and the date of the result of the election. As regards the time within which the account of election expenses should be lodged with the returning officer, the Select Committee felt that this time should be fixed by the statute itself and not be left to be prescribed by rules. They have accordingly provided in section 78 (*vide* clause 41 of the Bill) that the account of election expenses shall be filed within the period of thirty days from the date of election of the returned candidate.

As regards the composition of the tribunal, original clause 47 of the Bill proposed that the tribunal might consist of two judges with a provision in original clause 54 that in case of any difference between them on any question regarding the final order the question was to be referred to a judge of the High Court nominated for the purpose.

After careful consideration, the Select Committee felt that the proposed set-up of the tribunal would not achieve the object in view. In their opinion, for the expeditious disposal of election petitions, the best course will be to set up one-member tribunals with a right of appeal against the decision of the tribunals to the High Court. The provisions of the original Bill have been accordingly amended in this respect.

12 NOON

It will be recalled that the usual cause of delay in the disposal of election cases has been the frequent use of provisions contained in articles 226 and 136 of the Constitution either for the purpose of asking for the issue of a writ or appropriate order by the High Court or for the purpose of asking for special leave to appeal to the Supreme Court. It has been found by experience that recourse to these proceedings does not lead in the majority of cases to anything but delay in the disposal of elections petitions. With the present proposal of giving the right of appeal to the party aggrieved against the decisions of the tribunal, this tendency to resort to the special provisions of articles 136 and 226 will largely disappear. When a right of appeal to the High Court is provided, the High Court or the Supreme Court will have no reasons ordinarily to entertain such applications for special proceedings on the basis of the principles governing such matters even now. Whatever justification for use of such powers existed under the present provisions wherein there was no other remedy against the decision of the tribunal by any party who felt aggrieved will surely disappear with the proposed provision of a remedy by way of appeal to the High Court by the aggrieved party.

In order to achieve expeditious disposal of election petitions, the Committee introduced a new sub-sections in section 90 of the Act, *vide* clause 50, that an endeavour should be made to conclude a case within six months. Though this provision will not prevent a contingency in which for special reasons, a petition may drag on for more than six months, it is hoped that normally all petitions will be disposed of within six months, and the existence of this provision will certainly lead to speedier and quicker disposal of election petitions.

It will be realised that in a matter like this with all our anxiety, we cannot go further than the Select Committee has done. The Committee has tried to simplify the complicated provisions contained in section 100 of the Act as well as the provisions regarding corrupt and illegal practices contained in sections 123 to 125. The Committee has entirely done away with illegal practices and has removed the distinction between major and minor corrupt practices. The law in this respect has been made readily intelligible and much simpler and it is hoped that candidates and tribunals will not have any grievance against these simplified provisions of law.

Provisions as to appeals against the decisions of tribunals have been made by new sections 116A and 116B contained in clause 61 of the Bill. Here also a provision has been inserted in sub-section (5) of section 116A, that the High Court shall make every endeavour to dispose of appeals within three months, and it is hoped that the High Courts will follow these statutory provisions when disposing of appeals under this Act.

The Committee has omitted clause 58 of the original Bill as unnecessary.

The other changes made in the Bill by the Committee speak for themselves and I would not like to take any further time of the House regarding them.

I shall now briefly refer to the various points raised by some hon. Members of the Select Committee in their Minutes of Dissent. Some have suggested that clause (b) of section 7 of the Act needs substantial modification, if not complete elimination. One hon. Member is also of the view that clause (b) of section 7 of the Act should be modified. According to him, in order to disqualify a person from membership under this clause, the test should be the nature of the offence and not the length of the sentence. The test should be whether or not the offence, of which he has been convicted, involved moral turpitude. It goes without saying that an offence for which a person has been actually sentenced to transportation or imprisonment for not less than two years cannot but be normally of a grave and serious nature. Generally such an offence is non-bailable and non-compoundable. That was why the Select

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Committee after carefully considering the *pros* and *cons* of the matter came to the conclusion that no change should be made in clause (b) of section 7 of the Act.

As regards the point raised by one hon. Member that the disqualification should attach only in the case of a conviction for an offence involving moral turpitude, it may be readily pointed out that it is not easy to define as to what exactly involves moral turpitude. The meaning of 'moral turpitude' is a flexible one. The idea of morality changes from time to time and, therefore, we should be very cautious in introducing a phraseology with a variable content in our election law. Apart from this, hon. Members will find from clause (b) of section 7 that the Election Commission has been given the power to reduce the period of five years in any particular case. Therefore, if in any case the Election Commission considers that the period of five years after the release of the convicted person from jail should be reduced, the Commission will have ample power to do so.

There has been a suggestion that the expenditure incurred by recognised political parties should not be excluded from being shown in the election expenses of a candidate. The parliamentary system of government or for the matter of that, any democratic form of government, can hardly be conceived today without political parties. In the system of parliamentary democracy which we have adopted, party government is almost inevitable except under certain special grave contingencies when national existence is threatened or some such national calamity exists. We can easily draw lessons from that centuries-old parliamentary democracy functioning successfully in the United Kingdom. There the government normally is, above everything else, a party government. The role of parties is crucial. Everything revolves round them. The majority party controls the Bills that may be introduced and passed in Parliament. It deals with a firm hand in the matter of moneys that may be appropriated. It creates the Cabinet which is the executive branch of the Government, out of its own parliamentary membership. In short, the majority party secures real responsibility and unity in the Government. The very same thing can be said of the role of parties in our country because we have a parliamentary system of government framed after the British pattern. It is true that here we have a large number of parties as contrasted to the number of parties in the UK. But that is due to the fact that our parliamentary democracy is not as old as the one functioning in UK. I am sure that in course of time, even in our country numerality of parties will tend to be reduced with greater and better realisation of the true and important role which parties have to play in such a system of government.

For a proper functioning of parties, they must necessarily be political party and not a sectional groups. This being so, it does not appear to be at all improper or inappropriate that a political party with the object of forming the government from among the members of the Legislature should set up candidates of its own choice and to help those candidates in all legitimate ways.

Shri Kamath (Hoshangabad): Legitimate.

Shri Pataskar: Of course, legitimate ways. Of course, if a political party spends money specifically for a particular candidate, then that is a different question. But if a political party spends money during an election not specifically for any particular candidate but for carrying out the general interests of the party as well as the views it represents and the policies it advocates, then there does not appear to be anything objectionable in such expenditure. If we look at the provisions of sub-section (4) of the proposed section 77, it becomes clear that the expenditure incurred by a recognised political party or organisation for furthering the prospects of the election of candidates supported by them cannot and should not be apportioned among the various candidates set up by it at the time of the elections. In UK also, the recognised political parties spend large sums of money in times of general elections in furtherance of the views and causes they uphold. And it has been held in many cases that a member of a political association formed for, or active in promoting a candidate's return is not necessarily an agent of that candidate, and that an association which confines itself to carrying out the general interests of the political body and the views it represents, and abstains from

becoming the active assistant of a particular candidate is not an agent. It has been recognised there also that there may be a political association existing for the purpose of a political party, advocating the cause of a particular candidate and largely contributing to his success, yet be in no privity with the candidate or his agent, be an independent agent and acting in its own behalf. Such an association was held not to be one for whose acts the candidates should be held responsible. In U.S.A. also, parties spend large sums of money for the furtherance of the policies advocated by them. Moreover, as stated already, it is very difficult, if not wellnigh impossible, to apportion between the various candidates set up by a party the expenditure incurred by it during a general election. On the whole, the provision made in the proposed section 77 relating to the exclusion of expenditure incurred by a party not for any particular candidate but for the interests of all candidates set up by such party, appears to be unobjectionable.

Again, it has been urged by some that failure to lodge accounts of election expenses should not be a ground of disqualification for membership. According to these hon. Members, such a failure may at the most be made an electoral offence punishable with heavy fines. But, having regard to the, object behind this provision of the law requiring the submission of accounts of election expenses it seems quite proper failure to file all accounts of such expenses should entail disqualification for membership. If a particular candidate keeps a correct account of the expenses incurred by him in the course of his election, there should not be any difficulty on his part to file that account within time. This being so, whenever there is any failure to lodge accounts of election expenses within the sufficiently long period of time now fixed by law in the respect, it is but mete and proper that such failure should be ground for disqualification for membership.

Moreover, it should not be overlooked that here also the Election Commission has the power to remove the disqualification entailed on this account. It may not be out of place to mention here that there are statutory provisions in the laws of the United Kingdom, Canada, Australia and other countries as to the maintenance of accounts of election expenses incurred by candidates and of the submission of such accounts to the proper officers. It shall be borne in mind that the very fact that there are statutory provisions relating to the maintenance and submission of accounts of election expenses and that the failure to submit such accounts within the time fixed by the law may entail disqualification for membership may act as a check upon the lavish and improper expenditure in connection with an election. It these provisions relating to election expenses are taken out of the statute book, there will be no limit as to the amount that may be expended either properly or improperly by rich candidates during an election and this may substantially affect the nature of an election as a free and fair election which is the *sine qua non* of every truly democratic government. Upon all these considerations, I submit that we should not take any steps doing away with the provisions of the law in this respect.

One hon. Member in his minute of dissent has raised another point relating to the filing of an account of election expenses. According to him, not every contesting candidate should be required to file an account of election expenses but it should be filed only by a contesting candidate and that too if an election petition has been presented in respect of the election in question, and that the account of expenses should not be open to inspection to a defeated candidate or his supporters unless an election petition has been filed. In support of this view he advances the reason that grounds may be manufactured for an election petition based upon the account of election expenses and resourceful candidates who are defeated at the polls may get at persons mentioned in the accounts in order to bolster up some kind of case against a returned candidate. With respect, I submit that it is difficult to agree with this view. Once it is decided that there should be maintained accounts of election expenses and that the said accounts should be lodged with the returning officer, then there is no reason why provision should be made only for the lodging of accounts of elecion expenses after an election petition has been filed. The object underlying the requirements as to the maintenance and submission of accounts of election expenses is a very laudable one. It is to secure a free, fair and impartial election of candidates who are going to form the legislatures of the country. If accounts of expenses are maintained, as

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they should be maintained, according to the statutory provisions, then it is difficult to understand why they should not be open to inspection. The filing of accounts can serve two purposes (1) to see that the maximum expenditure allowed is not exceeded and (2) it may be used for showing that money has been spent for purposes for which it ought not to have been spent. If these two are valid purposes, it is difficult to complain against the possible use of these accounts for these two purposes. If a person has really spent money for purposes not which ought to have been spent, the original wrong thing is that it has been so spent and that should not be prevented from being used by an opposing party.

There has been a suggestion that as the necessity for a seconder to a nomination paper has been proposed to be dispensed with, so the necessity for a proposer should also go. In support of this view, they have relied upon the suggestion of the Election Commission made in its report on the First General Elections. Under the U.K. law, a nomination paper must be signed by a proposer and seconder and also by eight other electors as assentors to the nomination. In Canada, under the Dominion Election Act, 1938, any ten or more electors qualified to vote in an electoral district for which an election is to be held may nominate a candidate. In Australia, under the Commonwealth Electoral Act, 1918-49, a nomination paper must be signed by not less than six persons entitled to vote at the election for which the candidate is nominated. The reason why the nomination paper of a candidate should be subscribed by one or more electors of the constituency is that where there is no contest, the candidate even though declared elected uncontested is, in fact, elected at least by the person or persons who have signed his nomination paper. In other words, election means that a person must be elected by some other persons and not by himself and unless there is at least one elector in the constituency who may be said to elect him, there cannot be said to be any election at all. It is on this principle that provisions have been made in the U.K. Canada, Australia and other countries that the nomination paper of every candidate should be signed by at least some electors of the constituency and it is for this reason that it is proposed to retain the proposer to the nomination paper in our election law also. I am aware that the Election Commission in its report has suggested that the proposer also should be done away with but, having regard to the principle stated above, I think, we should retain the provisions as to the proposer to a nomination paper. A candidate will never have any difficulty in procuring the signature of a single elector as a proposer to his nomination paper.

A suggestion has also been made that the scrutiny of nominations should be finalised before the polls and that improper rejection or acceptance of a nomination paper should not be a ground on which an election petition may be filed. There was detailed discussion on this point in the Select Committee. In the previous Bill which was introduced in this House in 1953 and considered by a Select Committee of this House, provisions were made for finalising the scrutiny of nomination papers before the polls. In that Bill, it was provided that immediately after the scrutiny was over, an appeal might be preferred to a Judge of a High Court against the decision of the Scrutiny Officer accepting or rejecting a nomination paper. The Select Committee on the present Bill considered this provision in greater detail and came to the conclusion that such a provision, if made, would certainly upset the programme of election during a country-wide general election to the House of the People and the various State Legislative Assemblies. The Election Commission also took a very serious view of the matter. According to the Election Commission, if decisions as to the rejection or acceptance of nomination papers were allowed to be agitated before the polls, then, it would be well-nigh impossible to hold the general election throughout the country simultaneously. Upon all these considerations, the Select Committee on the present Bill though it prudent to leave the law as it is in this respect.

A point has been taken that provisions relating to the retirement from the contest as contained in the proposed new section 55A should be extended to the elections to the Council of States as well as the State Legislative Councils; but it is considered that as these

elections are not of very great magnitude, there is hardly any necessity for extending the provisions of the proposed new section 55A to these elections.

As regards counting of votes, a suggestion was made that counting should commence on the spot immediately after the poll is over. In support of this view was cited the example of the United Kingdom. But, on looking at the law in the United Kingdom, I find that the U. K. law is not substantially different in this respect from the law in our country. Section 64 of our Representation of the People Act, 1951, lays down that at every election where a poll is taken, votes shall be counted by or under the supervision of the Returning Officer and each candidate and his election agent or his counting agent shall have a right to be present at the time of counting. The U. K. law in this respect is contained in rules 44, 45 and 46 of the Parliamentary Election Rules contained in the second schedule to the U.K. Representation of the People Act, 1949. Under rule 44 of those Rules, as soon as practicable after the close of the poll, the Presiding Officer shall, in the presence of the polling agents, make up into separate packets, sealed with his own seal and the seals of such polling agents as desire to affix their seals, each ballot box in use at the polling station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key attached, and along with packets of unused and spoiled ballot papers and tendered ballot papers, etc., deliver the packets to the Returning Officer to be taken charge of by him. Provisions in our election rules also are more or less the same. Rule 45 of the U. K. Parliamentary Election Rules provides that the Returning Officer shall make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the close of the polls and shall give to the counting agents notice in writing of the time and place at which he will begin to count the votes. This is exactly the provision in our election rules also: see for example rule 44 of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951. Thus we see that, so far as the legal provision is concerned, there is hardly any difference between U. K. and India in this respect and if, in spite of this, counting takes place in U. K. at a much shorter interval than in India, then the causes are to be searched for elsewhere. One important cause of this difference may be the lack of adequate means of communications in our country. Another cause may be that in our country the experience as to the conduct of elections on adult suffrage is very much limited. A third cause may be that the extent of a constituency in our country is much larger than that in U. K. A reference was made to pages 137 and 138 of the Report of the Election Commission. I am also referring to those very pages. On page 138 of the Report, the Election Commission observes that on account of poor transport facilities it was found difficult except in urban constituencies to collect the ballot boxes speedily enough at the counting centre or centres from all the polling stations so as to make the counting of votes possible on the day following the poll. Even in the case of urban constituencies the ballot boxes had to be collected and sorted out. Another cause of delay in counting was, according to the Election Commission, that in many instances the same officer had been appointed Returning Officer for several constituencies so that after the completion of the polling in one constituency he had to be busy with the polling arrangements of the other constituencies under his charge, but some States like Madras and Bombay managed, by well-planned administrative arrangements, to commence the counting of votes with commendable promptitude. With the experience gained in the last General Elections and in view of the public impatience and dissatisfaction at such delays, it is expected that the State Governments will in future elections emulate the good example set by Madras and Bombay and also improve upon them. From what has been stated above, it is clear that no change in the law in this respect is called for.

There has been some criticism of the method of voting. It is suggested that every voter should be required to cross-mark the ballot paper but having regard to the illiteracy of the vast number of the people in our country, it is doubtful whether this requirement of cross-marking the ballot paper would be successful, specially in the rural areas. The previous method in operation under which voters were required to cross-mark ballot papers may not be safely re-introduced now. Under the old state of things, the franchise was very much restricted. Only a very small percentage of the population had the right to vote.

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A suggestion has also been made that voting should be made compulsory. With great respect, I strongly differ from this view. In our country, franchise is a right and a privilege and not an obligation. Article 326 of the Constitution indicates this. It provides that the elections to the House of the People and to the Legislative Assembly of every State shall be on the basis of adult suffrage so that every person who is a citizen of India, etc., shall be entitled be be registered as a voter—the words "entitled to be registered" are very important—at any such election. The words "shall be entitled" in article 326 clearly indicates that the franchise in our country is not so much an obligation imposed upon the citizens as a right or privilege conferred upon him. Therefore, it is doubtful whether from the constitutional standpoint we can make voting in our country compulsory. Speaking about the U.S.A. it is observed by some well-known authorities: "Non-payment of taxes is penalised; why should not the same principle apply to failure to vote? The constitutions of Massachusetts and North Dakota have authorised the legislature to impose penalties for non-voting, but so for neither State has made positive use of the power". Thus we see that in spite of specific provisions in the constitutions of those two States of U.S.A. no statutory provision has been made making voting compulsory.

Shri S. S. More (Sholapur): In Australia?

Shri Pataskar: I will come to that. The proposal to make voting compulsory has been considered in several other States of U.S.A. but has not been favoured, the main reason being that the people should not be coerced into exercising their right of franchise. In Belgium and Australia voting is compulsory, but even in those countries the effective maximum is a poll of about 90 per cent. Death, illness, removal and inaccuracies in the electoral roll would always prevent a hundred per cent. vote. There are various causes why electors do not go to the polling station. Women in our country very often abstain from voting. This is not only true of our country but this is throughout U. K. and U.S.A. Both in U. K. and U.S.A. women have not yet learnt to vote as regularly or in as large numbers as men *vide* Dimock and Dimock—*American Government in Action*—page 278; and Butler, *the Electoral System in Britain* 1918-1951, page 171. Then distance from the polling station and absence of facilities of communication very often act as a deterrant. Then the hot weather or extreme cold or inclement weather very often keeps people away from the polls. In the next place, many voters are too negligent to get themselves registered in electoral rolls and, therefore, cannot vote even when they want to. Failure to register in the electoral rolls is one of the most common reasons for failure to vote. If these multifarious causes can be removed, then it may be expected that the percentage of persons going to the polling station will surely considerably increase.

There is another point which may be mentioned in this connection. The State is now a welfare and social service State. Today it means much more to the individual than it used to. Therefore, it may be expected that as time passes on, voting participation will tend to increase in our country.

It has been suggested that there should be some reasonable time lag between the pronouncement of the order by the election tribunal and its operation. The Select Committee very carefully considered this matter and made provision in proposed section 107 that the order of the tribunal should take effect as soon as it is pronounced. It may be mentioned here that this provision will not prejudicially affect any person because in proposed new section 116A it has been expressly provided that where an appeal has been preferred against an order of the election tribunal under clause (b) of section 98 of the Act, the High Court may, on sufficient cause being shown, stay the operation of the order appealed from and in such a case the order shall be deemed never to have taken effect under sub-section (1) of section 107. In view of these provisions, I think there will be hardly any difficulty on the part of any candidate.

A suggestion has been made that the list of polling stations should be published in daily newspapers and for this it has been suggested that suitable provision should be made in Part IV of the Act. The Election Commission may consider this point, and if it favours this suggestion, the Rules under the

Act may be suitably amended and for this purpose no amendment of the Act is necessary.

A suggestion has been made that in proposed section 30 of the Bill the interval of time between the last date of withdrawal of candidatures and the commencement of the poll should not be less than 30 days. This matter was carefully considered in the Select Committee as well as on the floor of the House on a previous occasion. The majority of the opinion is in favour of shortening the period of election programme. If that be so, it is difficult to accept this suggestion.

Another point raised is that there should be no provision requiring security deposits from candidates. If at all such deposits are required from candidates then the amount of such deposits should be made smaller. This suggestion also cannot be accepted. The provision relating to security deposits and the forfeiture of such deposits in certain cases has a very laudable objects. The intention is to discourage freak and propaganda candidatures and there can be little doubt that there would have been many more candidatures but for this limitation. In the U. K. the amount of deposit is £ 150. This is a very much larger sum as compared with amendments of deposits required by section 34 of our Act.

Shri Kamath: The standard of living is higher there.

Shri Pataskar: It is true. Everything considered, it is fair. In the case of an election to Parliament this amount is Rs. 500 and half of this in the case of Scheduled Castes and Tribes candidates. In the case of an election to the State Legislative Assembly or Legislative Council the amount of deposit is Rs. 250 and again half of this in the case of Scheduled Castes and Tribes candidates. In the case of an election to the electoral college, the amount is only Rs. 50. Therefore, the amount of deposit in our country cannot be regarded as excessive.

It has been suggested that the power to remove any disqualification for membership which has been given by clause 17 of the Bill to the Election Commission should not be there. This clause was adopted by the Select Committee after a very careful consideration.

The proposed omission of section 146 of the Act is opposed on the ground of maintenance of purity in our public life. But some of the provision of section 146 are of doubtful constitutional validity. The hon. Members are aware that this section deals with a person being unfit to hold certain offices. This, appointment to any judicial office other than appointment to the Supreme Court and the High Courts is a matter in the State List. Similarly, election to local authorities etc.—other than cantonment boards—fall exclusively within the State List. It is doubtful whether Parliament while legislating with respect to elections to Parliament and the State Legislatures can encroach upon these exclusive State subjects.

The omission of section 168 of the Act has also been suggested. If section 168 is removed then rulers of former India States will be placed in a very much better position because in that case provisions of sub-section (1) of section 87B of the Code of Civil Procedure and of sub-sections (2) and (3) of section 197A of the Code of Criminal Procedure will at once apply to them, the result being that it would not be possible to start any suit or criminal proceedings against such a ruler without the previous sanction of the Central Government. Section 168 of the Representation of the People Act suspends the operation of section 87B of the Code of Civil Procedure and section 197A of the Code of Criminal Procedure for the period of the election thereby subjecting the rulers of former Indian States to the ordinary law of the land automatically.

It has been suggested that a consolidated measure containing the provisions of both the representation of the People Acts is desirable. On a future occasion this suggestion may be considered but at the present moment it is not possible to accept the suggestion. At one stage I myself thought of this. But we are all aware of the reasons. The other Act has already been passed. It referred to the preparation of the rolls, etc. Therefore, acceptance of that suggestion now would involve the withdrawal of the present Bill and re-writing the two parent Acts after much pruning here and there. I think that it should be left to be done after the next general elections.

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It has also been suggested that provisions with regard to Part C States should be eliminated. I cannot agree with this suggestion. If and when Part C States are removed from the Constitution, we shall take suitable measures to effect the necessary consequential changes in our election law also.

I have practically dealt with all the major points raised by some of the Members of the Committee in their minutes of dissent and I do not like to take any more time of the House on those points. In our common venture to improve the existing provisions of our election law each one of us has been guided by one single object—securing of free, fair and impartial elections to the various Houses of the Legislatures in our great country. If that object is achieved even to some extent, certainly we shall consider our labours to have been preponderantly successful. As I have already stated the whole of the present Act the Representation of the People Act of 1951, has been thoroughly considered by the Select Committee. All views on this important subject have been very carefully studied by them and this Report of the Select Committee is more or less the result of their common endeavour. They have taken into account the report of the Election Commission as well as their own experience in connection with this matter of election through which all of them had to pass. I grant there are some matter in regard to which difference of opinion is possible and almost inevitable. However, I am sure the House will on the whole agree with the changes proposed by the Select Committee and the Members of this House will accept the various provisions of the Bill as reported by the Select Committee after very careful scrutiny and I commend my motion to the acceptance of the House.

Mr. Speaker : Motion moved :

> "That the Bill further to amend the Representation of the People Act, 1951 and to make certain consequential amendments in the Government of Part C States Act, 1951 as reported by the Select Committee, be taken into consideration."

I would first of all like to decide the apportionment of time. The time allotted for the Bill is 17 hours.

Shri Kamath: My impression is that it was eighteen hours.

Shri N. C. Chatterjee (Hooghly): I may suggest that about eight hours may be taken up for general discussion, eight hours for clause-by-clause discussion and the last one hour for the third reading.

Shri Kamath: It is eighteen hours.

Mr. Speaker: It is noted as 17 hours in my note here. I will try to find out.

Shri Kasliwal (Kotah—Jhalawar): The time for the general discussion may be limited.

Mr. Speaker: That is what I feel. We started at 11-45. The hon. Minister has spoken. We sit till 6 p.m. May I suggest that we spend this day for general discussion and devote tomorrow for the clauses. There are 83 clauses and 85 amendments. I do not know how many more will come in. If the House feels that it should have greater time for the clauses, we can do so. Is the House agreeable to conclude general discussion today ?

Shri Kamath: Your suggestion is welcome with an amendment that the whole day may be devoted to the general discussion and the Minister may reply tomorrow, provided....

Shri Pataskar: I am busy in the other house and so I am going there. It would be greatly appreciated.

Shri Kamath : It is acceptable provided no other Minister intervenes in the debate.

Mr. Speaker: If the hon. Members make reference to other Ministers, then they should reply. Of course I do not expect that and there is no room for any other Minister. But if a Minister has to give an explanation about certain things, he must do so.

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): This is a general Bill in which a Minister may have an interest. The mere fact that one is a Minister does not prevent one from intervening in the debate. (*Interruptions.*)

Mr. Speaker: Order, order. Shri Raghavachari.

Shri Raghavachari (Penukonda): The general discussion may be a little longer than the discussion on clauses for the reason that arguments on clauses and amendments to clauses are only on about half a dozen subjects. All the arguments on the clauses are arguments on the general discussion. Therefore, the general discussion may be a little longer. After all, we know that the fate of clauses do not depend upon arguments. Therefore, it is better that eight hours are given for the general discussion.

Shri S. S. More (Sholapur): Allow me, Sir, if disagree with any friend, Shri Raghavachari. The clauses are more important. As far as our arguments are concerned, a general rambling discussion will not be of much avail because we have to convince the other side why we fight for a particular amendment. That is why more time ought to be given for the discussion on clauses. I accept that today be devoted for general discussion and tomorrow and the day after for the discussion on clauses. I think there is hardly any necessity for the Minister to reply, because he has so exhaustively dealt with the subject that he can dispense with that formality and allow more time to us to bring home our arguments.

Shri Pataskar: Only if some new points are made, otherwise I do not desire to hear my own voice.

Mr. Speaker: Then, as regards the time-limit for speeches, we have been making some difference between spokesmen of particular groups and other Members. May I allow 20 minutes for the leaders of groups with a right to extend it by five minutes....

Shri Kamath: At your discretion.

Mr. Speaker:....and 15 minutes to other Members? I will allow in suitable cases, where the House is very much interested, 25 minutes to leaders of groups.

Shri N. C. Chatterjee: Sir, taking a page out of the book of Shri Pataskar, I think I should start by paying a tribute to our Chairman of the Select Committee, Pandit Thakur Das Bhargava, for having ungrudgingly placed his great experience as a veteran parliamentarian at the disposal of the Select Committee. But, he himself has appended a note of dissent and he has started it by saying, that although he did his best he could not convince the Select Committee to modify certain provisions relating to accounts and that some of the objectionable features are still there. I have got something to say as to that and I will develop it later.

Sir, it is reported that you have said somewhere very recently that the general elections in India based on adult suffrage have been a great experiment in democracy I think that is the greatest experiment in democracy in the world. I had the privilege to say so, in another capacity, in a speech in London and I said there that we are undoubtedly the greatest democratic country not only in Asia, but in the whole world. There is no other country where they have got adult suffrage and on the electoral roll more than 17 crores of people or near about 18 crores.

It was a great act of faith which inspired the founders of our Constitution or the fathers of our Constitution to enact this kind of a constitutioanl provision, and I take it, Sir, that we shall be able to prove that it is thoroughly justified by our conduct. The greatest danger of democracy—and we should not be oblivious of it—is that, if there is a very huge monolithic party in power that may develop fascist or totalitarian tendencies. Therefore, it is eminently desirable that there should be ample provision made by vigilant public opinion strongly supporting all parties and all sections to see that elections are free and fair and not in any way interfered with or dominated by the party in power.

There are certain fundamental problems which have got to be solved and I shall place before this House, for the consideration of my hon. colleagues, certain problems which require careful consideration. I am saying this not in any party spirit. I am saying this actuated by the common object of ensuring proper working of parliamentary form of government and proper working of a democratic set-up.

Successful democracy demands that there must be a sufficient proportion of our people who will take an intelligent and, at the same time, an unselfish view of public affairs and who would be able to resist the arguments of those who will indulge in claptrap or will

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appeal to passion, prejudice or self-interest of the people.

We are happy, Sir, that as a result of our experience we have to a large extent placed India on the proper road. But still there are certain difficulties and impediments which have got to be solved and removed. I am saying in a spirit of cooperation and constructive criticism to point out certain factors which require the attention of the House. I am appealing to all sections of the House to see that these things are removed.

The first thing I want to say is that this disqualification clause, which you have put in, requires immediate amendment. I am a little disappointed that the hon. Minister Shri Pataskar has not touched that point and is not making a proper response. If you will kindly look at section 7, clause (b) of the present Act—I hope, Sir, you have got the Election Manual with you—you will find that on page 79 it is said:

> "7. Disqualifications for membership of Parliament or of a State Legislature—A person shall be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State—
>
> (b) If whether before or after the commencement of the Constitution, he has been convicted by a court in India of any offence and sentenced to transportation or to imprisonment for not less than two years,"

I am pointing out that this is a retrograde provision. Why should we, in an independent India, disqualify a person from standing as a candidate or being a Member of this House simply because he had been convicted of some offence and sentenced to two years imprisonment? As a matter of fact, some of our Members have been convicted and sentenced to more than two years. One Member from a particular state, had to take part in some kind of satyagraha movement for the purpose of vindicating his right of self-expression and education in his own native language. He was sentenced to three years imprisonment. Actually he was jailed for more than 22 months and he was just released because of the report of the States Reorganisation Commission. It is entirely unfair. If Dr. Shayama Prasad Mukherjee had not died, possibly he would have been convicted and sentenced to more than two years imprisonment. Are you suggesting that solemnly this Parliament should enact or ratify a law which would have disentitled him from being a Member of this House? This, I submit, is a retrograde provision. And, although I generally do not agree with Shri H. N. Mukherjee, just on this issue I do support him. I think he is entirely right when he says that this kind of a thing should be removed from the statute-book which reflects no credit on us.

Mr. Speaker: Any kind of offence; even a murder?

Shri N. C. Chatterjee: What I am pointing out is this. I am perfectly willing to come to some kind of a compromise, if the hon. Minister would accept it, by saying "provided that it does not connote any moral turpitude" or something like that. The Minister said that that woud be nebulous. I am not at all acceping that. Sir, it can be easily made an objective test; it can be easily made an effective test.

Mr. Speaker: I think that the Pleaders or Advocates Act, or I think the Civil Bar Act has a provision to the effect that a person can be removed from the rolls on account of moral turpitude, if he has been convicted etc. It is as much an Act as any other Act.

Shri N. C. Chatterjee: What I am pointing out is this. You know, Sir, during the Mahatma Gandhi's freedom movement, there were lawyers who had to go to jail.

Shri Venkataraman (Tanjore): It is in the Bar Councils Act, Sir.

Mr. Speaker: I will ask him if it is possible. Two years may debar many of us also.

Shri N. C. Chatterjee: I think in the new Companies Act also we have enacted a provision like that, because we have disqualified certain people from becoming directors provided they have been sentenced for an offence involving moral turpitude. This has been provided there because in the Companies Act we can send people to jail for not filing

some returns or not complying with someother provisions. But they are all technical matters.

The second point that I am raising is that I am still now satisfied with what the Select Committee has done with regard to the election expenses. I am one of those who have been continually taking the view that this kind of return of election expenses is thoroughly unjustified. Sir, I agree with Shri Tandon, when he said that it is very very undesirable that you are making a law whereby the people will have to enter the portals of this House and become Members of Parliament after taking an oath and where you have got to undergo a lot of mental reservation. You know it is not England. It is no good saying that in England you have got a thing like that. It is no good saying that in other countries this thing is there. The biggest constituency there is a constituency of 40,000 people. I remember, Sir, when I was a student in London the elections started at eight o'clock in the morning and in the evening when I was standing in Trafalgar Square, almost all the 668 members, names were announced by nine o'clock in the evening. The news came from different parts of the country and it was flashed on the tops of the different houses or building roundabout Trafalgar Square. But this is a different place. You have got to cater to a constituency where 350,000 voters are there and where there is a population of 7 lakhs. In double-member constituencies I remember to have seen more than 7 lakhs of voters. There are possibly 255 polling-booths. There may be 300 booths even. In double-member constituencies, there may be more than 600 or 700 polling-booths. In some places there are treble-member constituencies. As a matter of fact, in the case of my constituency, the constituency which, I represent in Parliament namely, from the Arambhag sub-division it took three days for the ballot boxes to reach the headquarters. They had to cross some rivers and so on. There are no railway facilities. Therefore, it is very difficult. You cannot possibly take your oath and say that there has been no other expenditure incurred by you or on your behalf in your constituency. I have been continually pleading that this kind of thing is thoroughly undesirable and this Parliament does not do any credit to itself if it wants us to retain this kind of account or return of election expenses. We have simplified it to some extent and I do admit it. But even then from, my little experience of election cases, I know the difficulties. I had been appearing not in one or two but in a good many number of cases including Shri Kamath's case. I ought to say that there is a lot of force in what Pandit Thakur Das Bhargawa has said. This is used for the purpose of blackmail. What is happening is, if you file the return of election expenses, thereafter the opposite side, in order to harass you, looks into the returns and starts making out some kind of case against the man. It is a very fishy thing. All sorts of people get at it there is an attempt to prepare a case and some kind of election petition is put in. This is thoroughly undesirable. If at all you insist on keeping accounts which is very difficult, if you at all insist that in order to remove the disparity between the rich and the poor there should be some kind of ceiling and if you want the accounts to be field for Heaven's sake do not insist that the account should be filed before the filing of the election petition. What is the point in making it available to the other side at that stage? You can order, as Pandit Thakur Das Bhargava has suggested, that immediately after the election petition has been filed, and within seven days of it,—I think seven days is the period that has been suggested—the account should be lodged. You can prescribe some period. But do not allow this provision to be utilised for the purpose of blackmailing or any fishy thing or for the purpose of getting at people. We know that there have been cases where volunteers have been paid four annas, eight annas or one rupee and they have been tampered with it and thus all sorts of difficulties and complications will arise.

Mr. Speaker: Before this Act, there were elections. From 1920 to 1935, under the old Act, there were elections. Were the accounts allowed to be scrutinised by others then also?

Pandit Thakur Das Bhargava (Gurgaon): No ceiling was fixed.

Shri N. C. Chatterjee: No ceiling was there.

Dr. Krishnaswami (Kancheepuram): You had to present the accounts for a full picture, when it was needed.

Shri N. C. Chatterjee: What has happened is, the Election Commission itself has reported that the people find it almost impossible, to comply with all these complicated returns. I have spent more than three decades in law, but it was difficult for me to know where certain expenses had got to be placed—whether under 'B' or under 'K' and so on. You do not know where it has to be placed. As a matter of fact, the people do not know exactly how to fill it up. For the only fault that it has been misclassified, there have been so many election petitions filed and so many elections have been declared void. The tribunals themselves are saying that "we are compelled to hold that this return is not in compliance with the law and therefore we are unseating this candidate". There is absolutely no dishonesty; there is no corruption. Look at the absurdity of the whole law. Law becomes, and, as you know, it has been declared as—

Dr. Lanka Sundaram (Vishkhapatnam) : A well known quadruped.

Shri N. C. Chatterjee: An ass. Just imagine. The tribunals are saying that there is no corruption, that there is no *mens rea,* that there is absolutely no intent to deceive anybody, but that it was done merely because the man who wrote out the account did not know where to place it properly and thus it has become a misclassification. Even that election has got to be set aside!

Mr. Speaker: The hon. Member's object is to the filing of the account. Or, is he objecting to the showing of the accounts even?

Shri N. C. Chatterjee: I am opposed to the very idea of filing of the return of election expenses. Secondly, I am saying that if you at all insist on the returns being filed, do not make it compulsory that they shall be filed unless and until the election petition is presented. You can fix a time-limit and say that after the expiry of three days or so, the return should be filed, so that there should be no chance of cooking up accounts or preparing wrong accounts. The Election Tribunal itself is saying that it is very difficult to make proper classification and comply with all the details.

Dr. Lanka Sundaram: What about ceiling?

Shri N. C. Chatterjee: Now, we have done another thing which is very, very objectionable. I am appealing to you and to my friends of this House that it is something which is thoroughly absurd and grossly absurd. If you pass that provision by your party majority,—I am addressing my remarks to my friends opposite—it will be a grave abuse of power and authority. They have said that in the case of recognised parties, the expenditure incurred by them shall not be taken as coming within the ceiling. Supposing Rs. 25,000 is fixed and if the recognised party spends Rs. 5,000 for the particular election, that Rs. 5,000 would not be taken into account. If the party is not a recognised one, whatever is spent has got to be shown and shall be treated as the election expense of the candidate concerned. I submit that it is thoroughly unfair and thoroughly absurd.

Shri Raghavachari: It is discriminatory.

Shri N. C. Chatterjee: It is also discriminatory. What I am pointing out is this. If you want that parties should be entitled to carry on election campaign and the parties should have the right to go about and spend money for the furthering the prospects of their candidates, then, treat all parties equally. This idea of 'recognised' parties is rather very, very peculiar and in actual practice, has worked a great injustice. There is one party in India which has got only one Member in Parliament. That is a recognised party. There are parties which have got four or five Members. They are not recognised parties. Sardar Hukum Singh's party is not recognised. My party is not recognised. Some other parties are not recognised. Apart from that I am pointing out that this is thoroughly unfair. 'Recognised' means recognised by the Election Commission. We do not lay down any provision. We do not lay down any standards. We leave it to the uncanalised, unfettered, absolute judgment of discretion or whim of the Election Commission to recognise any party or not. I submit it is thoroughly unfair.

I had the privilege and the opportunity of appearing for a Congress candidate. I think he came from Arcot. I think his name is S. Khader. Well, you can say anything, but whatever the Supreme Court says must be correct and must be absolutely correct law.

Our Constitution says that whatever it says shall be treated to be the law just as if we are enacting it in Parliament as a statute. I have got the case with me. That gentleman applied to the Tamilnad Congress Committee for permission to stand as a Congress candidate and according to the Congress rules, Rs. 500 had to be paid along with the application. Some portion had to be refunded, and he had to give an undertaking that if he did not get nomination of the Congress, then, he shall not stand as a candidate. It was also true that he was not a Congressman for the purposes of that election, but he has been a Congressman of some standing and he had been paying and contributing to the Congress fund and so many other funds such as Mahatma Gandhi Fund from time to time. But his election expenses came to Rs. 7,500. I forget the exact figure now. But, if you add Rs. 500 it exceeds Rs. 8,000. The Tribunal held that the Rs. 500 paid long long before he stood as a candidate should also be included. He could not stand as a candidate, unless the Congress Committee gave him the ticket. He simply said, "I want to be a candidate; give me the ticket". So, even that Rs. 500 was taken to mean his election expense and the Supreme Court said by some fiction of law, "Candidature begins long long before you become a candidate. Your mental state of mind should be taken into account and the very fact that you are going to stand if you get the ticket makes you a candidate". What I am pointing out is this. If you allow the recognised parties to have certain facilities, it will be very very difficult to work them out in actual practice. I do not know how you will work it out. In a particular constituency, there may be one parliamentary candidate and 7 candidates for the Assembly. In that particular area, how will you split it up? Supposing Rs. 50,000 have been spent in that area, how will you divide it? When some big Congressman goes and appeals to the voters, he does not appeal for the parliamentary candidate alone; he appeals for all the Congress candidates. Similarly, if a Socialist leader goes, he appeals for all the Socialist candidates. How will you apportion the expenditure?

1 P.M.

They say that so far as the Congress or the Communist or any other recognised party is concerned, they can do whatever they like and all will not be taken into account. But, when I stand or a man belonging to some non-recognised party stands or even when a man stands as an independant candidate, he does not get the same facilities. If I enter into coalition with three parties A, B and C and stand under a particular name, then I cannot get the same facilities. Even if I enter into coalition with a recognised party, I cannot get it. Are you not putting a fetter on all new parties to grow in India? Is the Parliament justified in making such a law? Are you not putting in a clause that no independant shall be allowed the same facilities? What will be his position? He has got to labour under a great handicap.

Mr. Speaker: Instead of saying that any person can stand, is it not right to say that other parties must also be recognised?

Shri N. C. Chatterjee: I am first of all saying that there should be no discrimination between one party and another. This formula by which the recognised parties are completely given opportunities to spend any amount of money and that amount of money shall not be at all included in the election expenses of the candidates is thoroughly unfair and oppressive. It will give a charter to powerful and rich parties to spend any amount of money and it will defeat the ceiling that has been fixed. The candidate will say, "I have spent only Rs. 1,000", but the party has spent Rs. 20,000. That is entirely unfair and that will defeat the ceiling objective. If you want to put a ceiling, make it honest. Make an honest law for the purpose of enforcing that ceiling. I will, therefore, submit that this exclusion of expenditure incurred by recognised party organisations should be deleted. Otherwise, it will be thoroughly unfair and discriminatory. It is a mischevous provision which should not get the approbation of this hon. House.

I am also pointing out that with regard to disqualifications, something has got to be done. I do not know if you have got in front of you the Election Commission's Report. The Election Commission has pointed out in Chapter XX of their report as follows :

> "For default lodging the returns within the time and in the manner required by law, the following penalties have been prescribed:—
>
> (i) The person making the default is disqualified for being chosen

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as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of 5 years [Section 7(c) of the Representation of the People Act, 1951]; and

(ii) if default is made in making the return, or if the return filed is found, either upon the trial of an election petition or by any court in a judicial proceeding, to be false in any material particular, the candidate and his agent are disqualified for voting at any election for a period of five years from the date by which the return was required to be lodged. (Section 143 of the Representation of the People Act, 1951).

Under section 7(c) and 144, the Election Commission has been given the power to remove the disqualifications so incurred."

But, all the disqualifications cannot be removed by the Election Commission. Their power is limited. We are trying to give the Election Commission the power to remove all the disqualifications. You know that in some cases, the Election Tribunals have also recommended that all the disqualifications should go. But unfortunately, the Election Commission is not clothed with complete authority and therefore, we have enacted this. If you kindly look at clause 70 at page 28, it says :

In part VIII of the principal Act, in Chapter I, after section 140, the following section shall be inserted, namely :—

"140A. The Election Commission may, for reasons to be recorded, remove any disqualification under this Chapter or reduce the period of any such disqualification."

Clause 70(2) says :

"(2) It is hereby declared that any disqualification for membership entailed by any act which has ceased to be a corrupt or illegal practice under the principal Act as amended by this Act shall stand removed."

Kindly look at clause 83, which is the last clause. Dr. Kunzru drew my attention to it. I have considered this matter and has spoken to the hon. Minister also. It requires a little modification Clause 83 says :

"Nothing in this Act shall apply to any election which has been called before the commencement of this Act or to any election petition arising out of such election, whether such petition is pending at such commencement or is presented afterwards, and all such elections shall be held and petitions tried, and all matters in connection with such elections or petitions (including the constitution of Election Tribunals) shall be regulated, in accordance with the provisions of the law in force immediately before such commencement".

Dr. Kunzru pointed this out to me and I think there is some force in it. "Nothing in this Act shall apply" will mean that nothing contained in section 140A shall apply. Therefore, it requires a little modification. I would appeal to the hon. Minister, Mr. Pataskar, to accept our suggestion that clause 83 should start with the following words :

"Save as provided in section 140A,"

So that the object will be achieved. If you will look at amendment No. 56 in List 5, you will find that Mr. Tek Chand, myself, Mr. Kamath, Mr. Mohamad Shaffee and a large number of members including Dr. Ram Subhag Singh, Mr. Asoka Mehta and Dr. Krishnaswami have suggested that the following amendment should be made :

"Page 30, line 4, *before* "Nothing in this Act" *insert*—"Save as provided in section 104A".

I have appealed to the hon. Minister to make it really effective by accepting this amendment and he has been good enough to promise a sympathetic consideration. I hope there will be no difficulty created.

Mr. Speaker: So far as procedural law is concerned, when it is amended, does it not take effect from the date when the law is passed as against the substantive law which, with respect to all these matters, will continue to operate?

Shri N. C. Chatterjee: What I am pointing out is this. We have put in a new section 140A. We have now removed certain electoral offences from entailing disqualifications. Therefore, section 140A has been put for that purpose, so as to make it effective and to give retrospective effect to it. Clause 83, as it stands, may be construed to limit the operation of section 140A because the language is, "Nothing in this Act shall apply to any election....." The only safeguard that we have sugguested is, let the clause run as follows :

> "Save as provided in section 140A, nothing in this Act shall apply to any election...."

so as to make perfectly harmonious, and perfectly consistent. There should be nothing inconsistent or repugnant with each other.

Mr. Speaker: You want to make it also retrospective, or retrospective for any given period or set a time limit?

Shri N. C. Chatterjee: Just give power to the Election Commission. Section 140A is intended to give power to the Election Commission to remove disqualifications. We simply give this power so that it may not be said that although we have given power under section 140A clause 83 whittles it down. It is not the intention to whittle down the discretion given to the Election Commission in the earlier section. It is simply making the two consistent and harmonious, making the two non-repugnant so that full effect can be given. After all, it is only a discretion; don't fetter it by clause 83.

We have got one other suggestion to make. The hon. Minister rather poohpoohed it. He said that the nomination paper must be endorsed by a proposer. If that is not done, it becomes absurd, according to him with great respect to my hon. friend, may I draw your attention to the summary of recommendations in the report of the Election Commissioner, Chapter 26. Recommendation No. 8 is that the provision that every nomination paper should be subscribed by a proposer and a seconder should be deleted, and the provision that each of the latter must be an elector in the constituency should also be deleted. He is saying that it is not necessary at all. We have now deleted the seconder. If you delete the seconder, why keep the proposer? There is no sense in that. My hon. friend says that in the case of uncontested elections, nobody will propose him. If it is uncontested, whether a man proposes or not is thoroughly irrelevant.

Mr. Speaker: He proposes himself.

An Hon. Member: And votes also.

Shri Venkataraman: If he is not a member of that constituency some one should sponsor him.

Shri N. C. Chatterjee: The fact that nobody contests means that that man gets the suffrage of the entire electorate there. I am pointing out that there is no sense in embodying the English law that there must be a proposer and a seconder, and there must be assent of some people. The Election Commission has recommended it.

I have to stress one other point and I think that Pandit Thakur Das Bhargava also will support me. The point is this. Even if you have a nomination paper, a proposer and so on, the question of improper acceptance or rejection of a nomination paper and all that must be made final before the actual poll takes place. The mischief happened because of the decision in the Ponnuswamy case in 1952 S.C.R. 218—Chief Justice Patanjali Shastri, Justice Fazl Ali and other Judges, Justice Mahajan, Justice Mukerjee, Justice Das, Justice Chandrasekhara Ayyar. They held that you cannot go to the High Court or ask for a writ in order to test or secure finality as to the validity of a nomination at any stage before election; you must wait till the whole gamut is over. They were constrained to say so because of certain rules and because of certain sections. They said :

> "The word 'election' has by long usage in connection with the process of selection of proper representatives in democratic institutions, acquired both a wide meaning and a narrow meaning. In the narrow sense, it is used to mean the the final selection of a candidate which may embrace the result of the poll where there is polling or a particular candidate being returned unopposed if there is no poll.

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> the wide sense, the word is used to mean the entire electoral process culminating in a candidate being declared elected."

We are not thinking of a writ petition or article 226, or the jurisdiction of the Supreme Court. I am appealing to the experience of my hon. friends in this House. I know, you know, my hon. friend knows that there have been cases where deliberately defective nomination papers have been filed. You put up a candidate. I was arguing before the Supreme Court that this has been done deliberately. Dummy candidates papers were put up and their nomination papers were rejected. As a matter of fact, the man never came forward even to show that he was a qualified elector or anything of the kind. Therefore, it was rejected. He lies low and allows the whole process to go through. Then he comes forward with an election petition and makes this the first ground. This kind of chicanery should not be allowed. This kind of playing with the electoral procedure should not at all be countenanced by this House. Let the question be finally decided at the earliest possible stage. Why can't you, immediately the nomination paper is rejected, go to the District Judge and have it finalised in six or seven days? After all, it would not take any length of time for adjudicating upon the propriety or validity of a nomination paper. You know in a large number of cases, this improper acceptance or rejection of nomination paper was the real issue. Also we know cases where the courts have held that whenever there is rejection of a nomination paper, automatically the result is materially affected. We know if there is improper acceptance or rejection of nomination paper, the result must be materially affected. Courts have consistently held that if a nomination paper is improperly rejected that man is shut out from seeking the suffrage of the electorate. Therefore, the result must be affected, because he was nowhere in the picture and how do you know whether he could get a larger number of votes than the successful candidate or not. In a majority of cases we find that that man was not serious. X party is fighting with Y party. X party files two or three papers and Y party files two or three papers. Deliberately they put in a paper which is defective. Deliberately they do not come forward and adduce the requisite evidence before the returning officer. They avoid scrutiny at that stage and allow the paper to be rejected. They lie low. They come up after the whole thing is over. The Supreme Court has pointed out that that means waste of public time, waste of electors' time, not only that, but repetition of the whole process and that is not proper.

One other thing I have to point out. There is a clause here in our present law and I want to draw your serious attention to that. Do not think that I am doing that because of my party's interest. It will hit other parties too. Section 124 (5)—I refer to the present provision—in the chapter on corrupt practices says :

> "The systematic appeal to vote or refrain from voting on grounds of caste, race, community or religion or the use of or appeal to, religious or national symbols such as the national flag or the national emblem for the furtherance of the prospects of that candidate's election."

I have no objection to your banning reference to the national flag. I argued in the Supreme Court that this section 124(5) is not quite consistent with the rights given to the electors. Supposing there is a constituency where there is a large number of Muslims of Christians. A party deliberately sets up a candidate there who is hostile to a particular religion. He has been carrying on propaganda against a religion, say Christianity or Islam. The Muslim candidate is there. Can't that Muslim candidate say or can't that Christian candidate say that this party has deliberately foisted this man and if he is returned, that would be inimical to your interests and therefore I appeal to the Muslim or Christians to stand by me and not to allow this man to go through? I should like to point out what happened in Madhya Bharat. There were two candidates. The one on the Hindu Mahasabha ticket was a Chamar. In that place, there were a large number of Chamars. You know, Sir Chamar is more or less a professional caste. They carry on a particular avocation. It is an avocational caste. The Congress set up a candidate who was not a Chamar, but a Scheduled Caste man. It was in Bhilsa, very near Sanchi. The Chamar candidate said : "We have got very many difficulties here, and you should stand by me and our grievances can best be redressed by a man of our community." And he therefore appealed to them. The election was set aside only

on that ground because he appealed to the Chamars. Chamar appealed to Chamars that they should vote for Chamar because it was a predominantly Chamar constituency and Chamars had special disabilities from which they were suffering. The Supreme Court said: "You cannot do that". I am sorry to note Justice Bose's judgment because I have got very great respect for him, but something happened. Possibly I could not put my case properly. Justice Bose has said : "It is not any infraction of the right given by the Constitution". Why cannot a Chamar say that Chamars have a special grievance and that he as a Chamar appeals to the other Chamars to stand by him in the election? Why cannot a Muslim say : "We Muslims have a particular grievance in this area. You must stand by me. The other man is opposed to our fraternity."

Mr. Speaker: Will it not become practically separate electorate? Indirectly, Chamar for Chamar.

Shri N. C. Chatterjee: What I am pointing out is in some cases it may work very great hardship. I am not saying that you should have any kind of separate electorate, but supposing there is a constituency where 50 per cent or 60 per cent of the people belong to a particular fraternity and you are foisting somebody who does not belong to that fraterinty, cannot that man say: "Here is a man who has come forward." He is not really appealing on the ground of religion. He says "In this particular region, we Chamars have got special grievances." After all, the Supreme Court said: "Here is a section which compels us to set aside the election." I am asking for sympathetic consideration. I am not saying that you should accept it *in limine*, because I am appealing to you. This may hit you also, this may hit others also. This may work hardship in genuine cases, and this might put minorities also in certain areas in great difficulty. There may be cases where candidates may be set up who are inimical to the interests of particular minorities.

Shri Raghubir Sahai (Etah Distt.—North-East *cum* Budaun Distt.—East): This is casteism pure and simple.

Shri N. C. Chatterjee: You may say casteism pure and simple. You may say that, but I am pointing out that it is perfectly open for Muslims or Christians or for Parsis to say: "We should stand together, because this man who has come forward as nominee of party X is known by his antecedents to be inimical to our fraternity." There is no question of caste there. It is no good saying it is casteism. Then, why do you have Scheduled Castes constituencies? You have got to take existing state of things into account. Our situation is not perfect and you have got to take that into account. I was humbly submitting that this is something which merits the consideration of this House and the consideration of the hon. Minister.

The other items are there which I shall take up when the clause by clause consideration comes up, but these are the main points which I urge and want to place before the House for its consideration.

Shri Asoka Mehta (Bhandara): I am happy we are having this opportunity to streamline our election law before the coming general elections. I would like to join my friends who have preceded me in congratulating the Select Committee, and particularly its distinguished Chairman, for the various improvements that they have made in the Bill. There are a number of improvements that I would have liked to list, but as the hon. Minister has already exhaustively told us about the improvements that have been made. I shall not take your time. I would, however, like to know from Government as to what they propose to do about the suggestion that has been made by the Select Committee for enabling every contesting candidate to send a free postcard to every voter in his constituency. I hope that before the discussion on this Bill is over, we shall know from the Government the decision on this subject.

I would also like, in this connection, that the Election Commission should itself send a notice to every voter detailing his roll number, his polling station and the date and time of election. That kind of notice given by the Election Commission to all the voters concerned will be very useful.

[MR. DEPUTY-SPEAKER *in the Chair*]

Though the Select Committee has done a useful piece of work, much more remains to be done. I wish the Committee had taken advantage of this

[Shri Asoka Mehta]

opportunity to offer us a comprehensive election code. The Offices of Profit Committee has already submitted its report, but unfortunately, because this House did not have the time or the opportunity to consider it, we are not able to have our election law in that respect complete and definite.

I would like to make some observations about the various revisions that have been made. For instance in clause 17 while the Select Committee has suggested that there is no need for a seconder, the need for a proposer remains. I believe the reason why the Election Commission had said that all that should be required of a candidate is that he is eligible to have his name on the register is that in 1951 almost 70 lakhs of eligible voters were not registered. When we note this fact we can realise the need to make it possible for even such people to contest the elections if it becomes necessary. Then again, in order to avoid election petitions as far as possible, the Election Commission has suggested in its report, and the Select Committee was also in favour of it, simplification of the election procedure, and that is the reason why the seconder has been done away with. If the idea is to simplify, why should not the simplification be carried to its logical conclusion?

Regarding the question of rejection of nomination papers, as to what needs to be done has been discussed by Shri Chatterjee in his Minute of Dissent and also by Shri Agarwal. Both the points of view have been put forward, but I believe that the general opinion seems to be in favour of the weighty arguments that the Election Commission has put forward. It would not be advisable to have any kind of revising authority at the stage of nomination. Perhaps the best safeguard that we can provide is to simplify the procedure and the machinery as far as possible.

I would like to support what my friend Shri Chatterjee said about the necessity to amend section 7B and as he said the distinction should be made that only offences involving moral turpitude should involve the punishment that has been laid down in section 7B. It would be better still if we accept the suggestion that has been made by Shri Agarwal in his Minute of Dissent. And he has put it quite felicitously that every person after having gone through a sentence of imprisonment should be deemed to have purged himself of sin. If he is a murderer, after all the sentence will be long enough, and I see no reason why a further punishment should be meted out to him.

I do not know why section 61 was not deleted. The special procedure to prevent impersonation of voters was introduced partly at our suggestion. We find the experience of marking with indelible ink has not proved to be very useful. The ink has also not proved indelible. The Election Commission has reported that there was virtually no impersonation in the rural polling stations. In urban areas, the Election Commission says, there is a good deal of scope for impersonation, but it is difficult to detect it. It seems very difficult to evolve a simple but effective remedy for this evil. There is no point, therefore, in having this particular procedure when we know it does not check impersonation particularly in the urban areas where it prevails to a considerable extent.

Section 129 also needs to be amended. The Election Commission in their report had suggested that the provisions of the section should be made applicable to all government servants. I do not know why the Select Committee did not think it proper to extend the scope of section 129.

I now turn to the more controversial issues, particularly, those affecting election expenses and election petitions. As far as election expenses are concerned as far as the maintaining of accounts and the lodging of the returns are concerned, we remember that when this Bill was discussed at an earlier stage in the House, there was a considerable amount of opposition to the idea of maintaining election accounts and lodging the returns.

The Election Commission in their report have pointed out :

> "The main duty of the election agent is to maintain full and regular books of accounts..... 26·8 per cent of the election agents did not realise it was their main responsibility to see that proper and full accounts were timely rendered."

27 per cent of the election agents, therefore, did not know that this was their main responsibility, and failed to discharge it. Further, the Election Commission say :

> "As long as eight months were required to dispose of the returns of election expenses in respect of 27,915 candidates and 3,187 election agents and representations from 3,153 persons for removal of their disqualification. . .".

So, for eight months, the Election Commission's office had virtually to give up all other work and concentrate upon this particular task which was not particularly important or very helpful. For we find at page 173 of the report of the Election Commission that almost all those who had failed to lodge their returns or had made mistakes were permitted to rectify their mistakes, or their failure was condoned. The figures have been given there, and, I would not take your time by repeating them.

The fact remains that overwhelmingly or—it may be that in one or two cases where petitions were filed, those returns were utilised, but by and large—we find that all these labours of Hercules were in vain. The Eelection Commission are categorical on this point, when they say :

> "Complaints were received by the Commission that the returns of election expenses lodged by many of the candidates were not correct."

In this House, many Members have said that it was not possible to maintain correct accounts, and the returns that were lodged were not wholly true. Under these circumstances, the question is whether we are justified in having merely a national ceiling. If we can devise a machinery whereby all the election expenses can be properly scrutinised and checked at every step, it would be different matter. But there we find that no such fool-proof machinery can be devised, and as the Election Commission themselves have pointed out that it involves an enormous amount of work and leads hardly to any result, when we find that by and large, mistakes are permitted to be rectified and failures are condoned later on, it is a question worth considering whether there should be any provision for the filing of election expenses. Whatever we decide on this question, whether we accept the amendments that has been moved by Pandit Thakur Das Bhargava, which seem to be a happy compromise between the two positions, or we support the proposals that have been moved by the Minister or the House chooses to take the stand which I am taking. I believe that as far as sub-clause 4 of clause 77 is concerned, we shall all agree that it should be deleted, because that sub-section circumvents the prescribed limit of expenditure and renders nugatory completely any provision for any kind of ceiling on election expenses.

I do not know, but the party in power is the one party that would be able to mobilise the largest amount of resources. I do not know the real position, because these are matters in which correct information is not easily available. In the USA, of course, every party has to file full accounts about the moneys that it has spent in the elections. We know, for instance, that in the last elections, President Eisenhower's party spent about $ 8 million on his election. We do not know how much the Congress Party here spent last time. I am told, and it is subject to correction, that the Congress Party this time is trying to arise an election fund of Rs. 3 crores, and a substantial portion of that amount has already been raised. Assuming that my figure of Rs. 3 crores is correct Rs. 3 crores spent over 500 constituencies for the Parliament all over the country works out to Rs. 60,000 per constituency, while. . . .

Shri L. N. Mishra (Darbhanga *cum* Bhagalpur) : What about the States?

श्री के० के० वसु : उस के अन्दर तो है, भाई ।

Shri Asoka Mehta: . . the limit is Rs. 25,000 only This sum of Rs. 60,000 as was pointed out by Shri N. C. Chatterjee, would be spent to support parliamentary candidate, the assembly candidate and the whole lot of them. But with this loophole provided, with this Sub-clause 4 of clause 77 made available and with the abundant resources available to this party, what is the meaning of this provision of having a ceiling on our expenditure ? As far as the overwhelming majority of our candidates is concerned, whether we have

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a ceiling or not, they will not be able to reach that ceiling. As far as a few people are concerned, who are in a position to spend much more, no matter what provisions are made, they will be able to circumvent those provisions. It is just like what Abbe Sieyes said of the Second Chamber, namely :

> 'If it agrees, it is superfluous; if it does not agree, it is obnoxious."

We find that this kind of a provision is either superfluous or obnoxious, depending upon the point of view adopted.

I would therefore suggest that if possible this provision for maintaining accounts and lodging returns should be deleted wholesale; if that is not possible, then the amendments that have been tabled by Pandit Thakur Das Bharagva should be accepted. But at all events, sub-section (4) of section 77 should be deleted summarily.

As far as election petitions are concerned, I believe that the House should give some consideration and some thought to the provision of substitution. It has been discussed by the various Members of the Select Committee, and I feel—I am not a lawyer, I do not know how many election petitions were involved because of this provision of substitution or were prolonged, but I feel—that this is a matter which deserves the full consideration of the House.

Shri N. C. Chatterjee has criticised in his minute of dissent,—though he made no reference to it in the course of his speech. Clause 59. He evidently feels that the provision made in Clause 61, in sub-section 4 of proposed section 116A is not adequate or satisfactory. I would like competent Members here to look into the matter. I had hoped that Shri N. C. Chatterjee would have enlightened us on this point a little further.

As far as petitions are concerned, I believe after the next general elections, the number will go down. Even on the previous occasion, I believe only one per cent of the elections were referred to election tribunals. But as the Election Commission have pointed out, while last time, there were on an average four to five candidates per constituency, the number has been going down now, and it is expected that in the next general elections, the number may be two or three per constituency. Secondly, we are simplifying the election procedure also. Under these circumstances, there is every possibility, I hope and trust, of the election petitions being reduced in number. Therefore, I see no reason why provision cannot be made here to the effect that the election petitions should be referred to judges of the High Court. If we have one-man tribunals, it would be best if the tribunals are constituted by persons occupying some of highest positions in our judiciary.

Dr. Krishnaswami: Not retired.

Shri Asoka Mehta: I would now like to make a few observations on some of the other points, rather fundamental points, that have been raised by some hon. Members in their minutes of dissent.

I am completely in disagreement, I am totally in disagreement, with the suggestion made by Shri N. C. Chatterjee in regard to sub-section (3) of proposed section 123, when he said that there should be no kind of amendment like that. I am in favour of one amendment there. I would like the word 'language' also to be added there. Now that we are going to have linguistic States, I would not be surprised if in a particular constituency, it is said, that so and so speaks a different language, therefore, he is not a fit person to represent them. After all, we want representation in this House of broad sections of our people. My hon. friend said, "What about a *chamar ?* A *chamar* should be allowed to represent a *chammar.*'. Surely, we are not setting up here a Chamber on the basis of various avocations and professions.

I remember, when I was contesting the election in Bhandara, that lawyers came to me and said that one of the things they would like me to do is to get an amendment to the Constitution so that there might be separate reserved constituencies for lawyers, because, they said, lawyers were finding it increasingly difficult to get elected. Yesterday the Chamars were finding it difficult to get elected, today it is the lawyers who are finding it difficult to get elected. Where are we going to end? In all seriousness, I would like to ask what would be the result of this in the Punjab, if candidates go about saying 'You are a Sikh : therefore, you must support a Sikh can-

didate', 'You are a Hindu; therefore, you must vote for a Hindu candidate under all circumstances', because the Sikhs have special problems, the Hindus have their own problems and the Mahajans have their own problems and the Jats have special problems. Where are we going to end? I hope that this particular suggestion made by Shri N. C. Chatterjee—and, significantly enough, based upon the experience that his party had encountered in Madhya Bharat—will not be entertained by this House.

Apart from that, I believe that some thought should be given to various suggestions of a fundamental character that have been made. For instance, take the counting of votes. Shri S. S. More and Shri Sivamurthi Swami have made a suggestion in their Minutes of Dissent. Why cannot provision be made for counting of votes in the polling booths themselves? Here again, the amendment made in Clause 11 is not clear to me. The amendment to section 26 of the Act makes a suggestion that runs counter to the suggestion that the Election Commission had made. For instance, the Election Commission have said :

> "The Commission would accordingly prefer only single booth polling stations at future elections. Necessary amendment in the law has already been proposed".

But I find that there may be a number of polling booths in the same premises. If this is the meaning of that clause, I hope it will be suitably reviewed again. I would like to have separate polling booths....

Mr. Deputy-Speaker: They would be independent polling stations. They would be numbered separately.

Shri Asoka Mehta: What is the meaning of 'single booth polling stations'?

Mr. Deputy-Speaker: Only one polling station. That will not have more than one booth.

Shri Asoka Mehta: It was pointed out that somewhere in UP there were 18 or 20 polling booths clustered at one place. Whether they were part of one polling station or each one was separate, I do not know.

Mr. Deputy-Speaker: One polling station and then various booths, 1,2, 3 and so on.

Shri Asoka Mehta: The difficulty of overcrowding and all that mentioned there—and I had experience of it in Bombay City to a considerable extent—would still remain.

Mr. Deputy-Speaker: There would be different polling stations at the same place. Previously, they were booths. Now they would be different polling stations.

Shri Asoka Mehta: As far as the difficulties for the voters and the maintenance of order etc. are concerned, they would still remain. Anyway, I shall not press my point further. I have stated what I have to say on the point.

I have not been able to understand what is the difficulty in the votes being counted at the polling stations as soon as polling is over and result being communicated to the Returning Officer. If there are any difficulties about communication and all that, they do not come in the way because the counting is done there and sealed packets may be forwarded to the Returning Officer and the candidates or their agents will be there to look after the interests of the candidates concerned. This is one point which would, to a considerable extent remove the doubts and perturbation that have been there in the minds of various candidates. You know what happened in the last general elections. All kinds of stories used to fly about. I think in the interest of fair and free elections, it would be best if we can accept this kind of provision suggested by Shri S. S. More and Shri Sivamurthi Swami.

Then about the method of voting also, I think Shri S. S. More is right. I see no reason why we cannot accept the idea of putting a cross. This particular method has been tried out very successfully in the City of Bombay. It might be said that after all, it is an urban area. That is true, but we are moving towards increasing literacy.

Shri S. S. More: Even in the rural areas, under the Local Boards Act, the same method is practised.

Shri Asoka Mehta: After all, we are moving towards increasing literacy. I believe someone said the other day that the literacy percentange is rising in our country very fast. Asking people to put a cross is not making a tremendous demand. I think it is the responsibility of the candidates and their agents to go round and train people at least to this extent, that they should be able to put a cross at the right place. It would help the election, it would facilitate the other social process that we are trying to foster in our country in respect of social awakening. If we have this method of putting a cross rather than the present method, where, as was found during the last general elections there is scope for all kinds of trouble, it would be better from all points of view.

Then again, an important point has been raised by Shri S. S. More on the question of minority of votes and majority of seats. Now, I have no desire to refer to Indian experience. We all know about it. But may I draw the attention of the Minister to recent experience in Ceylon? Shri Bandaranaike's MEP polled 1,045,727 votes and got 51 seats. Sir John Koteawala's United National Party polled 7,37,447 votes and got only 8 seats. That means, that for about 70 per cent of the votes polled, the number of seats won was only 8 as against 51 secured by the party that won the elections.

The English pattern would be suited to a country where there are only two parties. Where there are more than two parties, where there are a number of parties, the English method is likely to be weighted heavily in favour of one party to the disadvantage of others. As against that, the French pattern would fragment the representation in Parliament and make any kind of stable government impossible. If this question is to be considered, I would like to invite the attention of all concerned to the compromise that has been made in Germany. In West Germany, the method is a combination of the two systems: while representatives are elected on the basis of single member constituencies up to a certain point, the imbalance is sought to be corrected by what is known as the 'list system'. I have no desire to take the time of the House on that point just now, but at some stage or the other, we must evolve a formula which will be satisfactory to all. We all seem to be keen on that. The other day in Patna the Speaker said that if democracy is to function, there must be a strong Opposition. But if the electoral law is such that it favours only one party, that cannot be achieved. I would not be surprised if in the next general elections, on one or two States the Congress Party is skittled completely, even though it might get 60 or 70 per cent of the votes it polled last time. Its strength may shrink disproportionately. This see-saw in representation in the legislatures needs to be looked into and corrected. Whether it can be done now or on a later occasion is a separate problem.

Lastly, I would like to invite the attention of the House, to one matter—I am sure my hon. friend, Shri Kamath, will deal with it more fully in the light of the amendment he has tabled—and that is that this Act should be extended to the State of Jammu and Kashmir also. Now we have categorically declared, and the people of Jammu and Kashmir have categorically declared, that they are part of this country. How can we expect a fair election to take place there, so that their representatives may come and sit here, without the benefit of the Election Commission? Elections ultimately are perhaps the heart and soul of democracy. In Jammu and Kashmir, perhaps more than elsewhere, there is need for fair and free elections, because it is very important that we should give the people an opportunity to express their opinions freely and have a legislature that reflects their opinions.

I have no objection if Jammu and Kashmir remains a Part B State or Part A State or a Super-A State as it is today. That is a matter for the makers of the Constitution to decide. But as far as the right to participate in a fair and free election is concerned, the safeguards provided by the Election Commission should be made available to them. I am unable to understand why the people of Jammu and Kashmir should be denied and deprived of this, particularly when we know that this becomes all the more important because all is not well in that State. I have no desire on this occasion to go into details of it. But I am sorry to have to just refer to it. It is with a considerable amount of hesitation that I speak on that subject. But, I am compelled to speak on this subject because to remain

silent on a matter of fair and free election in any part of the country would, I think, be a betrayal of democracy. I am sure that this House, which cherishes and which is anxious to safeguard the democratic rights and liberties of every part of the country and of every citizen of India, will see to it that the benefits that we are giving to the rest of the country will not be denied to the people of Jammu and Kashmir.

Shri Raghubir Sahai : Sir, I also take this opportunity of congratulating the Chairman of the Select Committee and his learned colleagues on the Committee for having submitted a very thorough and elaborate Bill after having considered every viewpoint in the Select Committee.

To my mind, this Bill as it has emerged from the Select Committee is a great improvement on the original Bill. But my regret is that improvements should not have been carried to their logical consequences because I feel that some more improvements could have been made in this Bill. It is very well recognised by everyone of us that we must benefit by the experience of the last general elections and I would invite the attention of hon. Members to the very sound and reasonable conclusions that were arrived at by the Election Commission in this connection. Although I feel that this is very elaborate Bill and many improvements have already been carried out in it, yet after passing this Bill, I fear that another amendment will have to be made at a very early stage.

In this Bill, I find that there are expressions like Part C States, Rajpramukhs, Lieut. Governors and so on. After having considered and passed the S. R. Bill and the Constitution (Amendment) Bill, I submit these things will be something of the past, and they will have to be deleted from this measure. I do not know whether the passage of this Bill can be held up now. But, it would be necessary to make these consequential amendments soon after the S. R. Bill and the Constitution (Amendment) Bills have been passed.

I am quite at one with my hon. friends Shri Chatterjee and Shri Asoka Mehta when they say that the nomination paper should be made a very simple affair. Up to now, the law had been that a candidate's candidature has to be supported by a proposer and a seconder; that is, two voters. But in the Bill as it has emerged from the Select Committee, the place of the seconder has been done away with and the place of the proposer has been retained. The hon. Minister of Lagal Affairs took pains to explain why the proposer should be retained. I am sorry to say, his argument were not found convincing by me because the arguments that were advanced by the Election Commission are more weighty and more convincing and I understand that this experiment of doing away with the proposer and the seconder was tried in the recent elections in Sudan, which were held, perhaps, only last year and they were a great success. I think we should benefit by that experience also.

I have tabled an amendment with regard to this and at a suitable stage, if I get an opportunity....

Shri Pataskar: May I point out one thing? I do not know whether the hon. Member followed me. Supposing there is no proposer and the man offers himself as a candidate and is returned unopposed. Can we say that he was elected? It was his own volition.

Shri S. S. More: Would one proposer make the election valid and consistent with democracy?

Shri Pataskar: It may be said that at least there was one man who could be said to have elected him.

Shri Raghubir Sahai: The hon. Minister of Legal Affairs has raised this point that if a person offering himself as a candidate is not supported either by a proposer or a seconder but gets himself returned unopposed, will it be said that he is properly elected. I cannot follow this argument, because if nobody comes forward to oppose him and if he possesses all the qualifications to stand for the election, then, I do not think any argument can be advanced with regard to the validity of his nomination or his candidature.

A valid argument that could have been advanced for the retention of proposer is this. Supposing a candidate was at a very distant place and had to offer himself as a candidate at a place situated some 500 or 600 miles away; he could

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not on that particuar day, which is fixed for the filing of nomination papers, be present in person. It could have been said that we have provided for the necessity of a proposer so that the filing of the nomination paper could be facilitated. That could have been a reasonable argument. I think a candidate should be entitled to present his nomination paper by an authorised agent. He can engage a counsel, he can engage a pleader or he can execute a power of attorney. He can authorise somebody else to file the paper for him. Everyday we find that people residing in Bombay and Calcutta file important documents and papers in different courts through their authorised agents and their counsels. Why not this rule here also? As a general rule, the candidate must come and file his nomination paper. But, in exceptional circumstances, this facility should be given that he could file his nomination paper through an authorised agent.

If we look to the report of the Election Commission we shall find that in a majority of the election petitions, the ground taken was improper rejection or acceptance of a nomination paper. If the proposer and seconder were done away with from the nomination paper, all these election petitions could be avoided. An example was given about England, that in England there is the practice of the proposer and the seconder. There are many good things in England but we do not follow all those things here. In England, the practice is that a nomination paper is filled in by the Returning Officer himself and the number of election petitions there is so infinitesimally small—almost nil. Here, on other hand, election petition is the rule and fashion. For every blessed thing the defeated candidate comes forward and files an election petition. In most of the cases the plea is improper rejection or improper acceptance of the nomination paper. I would request that the hon. Minister of Legal Affairs would keep an open mind, and not close his mind, on this subject and would listen to each and every argument on the subject. I hope that the consensus of opinion of the House would prevail on him and he would be pleased to accept the view which we are putting forward.

2 P.M.

With regard to the filing of return of election expenses, I quite agree with my friend, Shri Chatterjee, that the filing of return of election expenses should be done away with entirely. It is really a very bogus affair. Everybody who had to deal with elections knows what a difficult affair this filling in of the return of expenses is. After the heat and turmoil of the election, every candidate, whether he is a defeated candidate or a victorious candidate, would like to take rest. But the law is so cruel that within those 30 or 40 days he would neither have a wink of sleep nor a moment of rest, because it is a problem how to fill in this return.

Shri Pataskar: The return is done away with.

Shri Raghubir Sahai: I know you have made it simple, but still there are so many difficulties. It can be said that if you do not provide for a return of expenses, the expenses might shoot up to any limit. I quite realise the weight of that argument. We should try to make elections as cheap and as simple as possible, but there are cases where a man might have spent lavishly over the election but may not have committed a single unauthorised act. But there might be cases where people might have kept to the schedule limit of expenses and may have committed a lot of unauthorised things. I do not say that if you do away with the return of election expenses, the election cannot be questioned on the ground of giving bribe to voters or to any other person connected with the election, or the election cannot be impugned if the voters are carried by means of transport provided by the candidate or if the voters are fed or overfed by the candidate. Impung the election on all those grounds; and if the allegations are substantiated, declare the election null and void. But that is no ground for retaining the return of expenses. So, my argument is, and I hope the hon. Minister of Legal Affairs would listen to it, that this return of election expenses is a very very trying affair and it should be done away with.

I was really sorry and pained to hear the remarks of our learned friend Shri Chatterjee, who made an otherwise very able speech this morning, when he justified casteism. He was quoting the example of a *chamar* candidate; the matter went up to the Supreme Court and the learned judge there was of the opinion that that kind of appeal should not have been made *i.e.*, that those belonging to his caste should vote for him. I entirely agree with the views of that learn-

ed judge of the Supreme Court and I disagree very strongly with the views of my hon. friend, Shri Chatterjee. It is nothing but encouragement of casterism. We have seen the baneful consequences of Muslim communalism before partition and we are passing through a very difficult and delicate time when we see Hindu casteism after the attainment of our Independence. If we do not take notice of it, and if we do not put a brake on it, disastrous consequences may flow. We have seen in the General Elections and also in bye-elections how insidious propaganda is indulged in and appeal is made to caste feelings. Casteism should be discouraged. I am not satisfied with the wording of the clause where casteism and communalism are discouraged. I want that the clause should be made more strict and more rigid, and the words "insidious propaganda" should also be incorporated therein. Wherever a candidate is found guilty of having made an appeal to caste feelings, not only should be debarred but all those voters should be prevented from exercising their right of vote for ten years because they have committed a very grave offence (*Interruption*). It is for the Election Tribunal to judge whether a candidate has indulged in such insidious propaganda.

There is one great lacuna in this Bill and I hope the hon. Minister of Legal Affairs will take note of it. We know that the General Elections are impending, and every day a statement is made here on behalf of the Treasury Benches and so many questions are put by the Members opposite regarding elections. Everybody, whether he belongs to the majority party or the opposition party, is preparing himself for the next General Elections. But the bye-elections are taking place to the House of the People and the State Assemblies.

Shri Kamath: They go on.

Shri Raghubir Sahai: How long will they go on? There should be a time-limit before which those elections should be stopped or should not be held. Our difficulty is that when the General Elections are impending, suitable candidates are not forthcoming, and they are not prepared to spend an enormous amount of money six months or throughout before the General Elections for a bye-election. Also the public at large are not disposed to show any particular interest. What I want is that a provision should be incorporated in this Bill that before the General Elections, at least for a year before, there should be no bye-election to the House of the People, and there should be no bye-election to the Assembly for six months previous to the General Elections.

An Hon. Member: Why this distinction?

Shri Raghubir Sahai: If you want that there should be no difference, let it be one year for both.

Mr. Deputy-Speaker: Is the hon. Member proposing to move an amendment to the Constitution also? The hon. Member might continue for another couple of minutes.

Shri Raghubir Sahai: It is necessary the constitution may be amended. I also agree with my hon. friend, Shri Chatterjee, that when the Bill has been improved to this extent and a number of disqualifications or corrupt practices that found a place in the original Bill have now been removed from the Bill that we are considering, the benefit of the present Bill should go to all those persons whose cases are pending in law courts at the present moment and against whom cases may be started for any particular offence in regard to a bye-election or an election that had taken place already, because it is not a matter of moral turpitude. If it is not a matter of moral turpitude and if all those acts cease to be corrupt practices now, then those people should not be made to suffer for them in the future.

Shri Dabhi (Kaira North): I rise to support and welcome this Bill. It is a matter of satisfaction that the election law as has emerged from the Bill as reported by the Select Committee is more simple, less cumbersome and less likely to lead to election petitions, which will involve the candidate much expenditure, than the present Act. I shall give my reaction to certain provisions of the Bill. I would refer to the present section 124 (4). That section says that the making or filing of return of election expenses which is false in any material particular is deemed to be a corrupt practice. Under section 140, this corrupt practice entails disqualification for membership of Parliament and of the Legislature of every State. Now, clause 65 in this Bill deals with the corrupt practices. This

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particular disqualification has been omitted from clause 65. I do not know why this change had been made, or if such accounts are false in materials particulars, why they should not be punished. I do not know why it has been omitted.

The hon. Member who preceded me and several other Members who had written minutes of dissent spoke about clause 41. Sub-clause (4) says that the expenditure incurred by the candidate for his election shall not be deemed to include any expenditure incurred by a recognised party orgainsation for furthering the prospects of the election of candidates supported by it. This is a new provision. I understand that this is the law in England also. I shall quote some authority for this from the *Law of Elections in India and Burma* by Basant Krishna Khanna published in 1937—page 144.

> "The election expenses may be defined as expenses which have no connection with the promotion of the policy of the political side to which the candidate belongs. On the other hand, they are expenses which belong to him personally and have been incurred by him in the course of his elections."

A judgment is quoted in this book on page 146 where it reads:

> "It seems to me that any expenses which you can identify as being expenses for the promotion of the political views of the candidate's party do not come within the category of expenses in respect of conduct and management of the election."

Then again, there is one ruling in India. On page 911 of the *Indian Election Cases* (1935-1951) by Sen and Poddar, it is said:

> "The law well-established is that if a meeting is held to promote the political views of a party and not for the express purpose of promoting a particular candidate's election, the expenses incurred thereon would not amount to an election expense of the candidate."

So, this new provision does nothing more than making the existing position explicit. There have been no difficulties in this matter and I do not know why there should be any difficulty in future.

I want to say a few words regarding the interval between the withdrawal of the candidature and taking of the poll. Under section 30 of the existing Act, the interval is thirty days and it is proposed to reduce it to 20 days. I do not understand why this should be done. In several constituencies we know that the areas are far flung. They are far from one another. In rural constituencies, the candidates have to continue their propaganda for days together. I think that twenty days would not be enough. It would cause hardship to those who cannot have motors. If the period is reduced, it would be disadvantageous to the ordinary man who cannot spend money on motors, etc.

Shri Altekar (North Satara): Should the period be more or less?

Shri Dabhi : It should be more. If you give only a few days, people who can afford to have cars can concentrate on those days and go from place to place in the whole of their constituencies. An ordinary person cannot afford to do this. There should be time for him also to make propaganda gradually. Anyhow, twenty days are not enough in my opinion. We want to make the election a simultaneous affairs; we want to hold elections for the House of the People and for the State Assemblies simultaneously. The interval between the last date for the withdrawal of the candidature and the date on which poll has to be taken is seven days in the case of a State Assembly. Why should we make a difference between these two bodies? Several parties put up their candidates for the State Assemblies as well as for Parliament. The whole propaganda and programme has to be carried on simultaneously I do not know why there should be a distinction between these two cases. My submission is that ten or fifteen days would not be enough. Of course, some days are allowed between the issue of the notification by the President and the date of withdrawl of the candidature. But the candidates would not generally go for canvassing votes before their nomination papers have been held valid Therefore, taking all these facts into consideration and from

experience, I think that at least 30 days should be allowed and that the interval must be of 30 days both in the case of parliamentary elections and in the case of Assembly elections.

Then I come to the question regarding a proposer and seconder. I am of the opinion that there must be a proposer to the nomination. Some hon. friends have suggested that it should be done away with. I do not know what difficulty is there if the provision for a proposer is allowed to remain. Even my friend Shri Raghubir Sahai also suggested that and he proposes to move an amendment to this clause stating that if the candidate is not able to present the nomination paper personally, then he should appoint an agent to give power of attorney to a vakil or somebody-else. Why bring all this *dravidipranayam* in such a simple thing? Even for elections here—when you were elected the other day—we have the names proposed and seconded by somebody. There is no difficulty in finding one proposer, one man to support the candidate. My friends, who preceded me, have not given even one single reason in support of their argument. Shri Raghubir Sahai stated that several election petitions were filed on the ground of improper nomination papers, but he has not given any instance in which there was some defect in the proposal form. Most of these election petitions were filed because the candidates themselves were found to be disqualified for one reason or the other, either because some of them had contracts with the Government or were holding some offices of profit. There were differences of opinion as to whether a particular candidate had a contract with the Government or he held an office of profit or not, which resulted in the filing of petitions. Therefore, I do not think there is any difficulty in retaining the provision regarding proposer.

My hon. friend Shri S. S. More always finds something new. He always makes some novel suggestions, irrespective of the fact whether they are practicable or not. In his minute of dissent he says:

> "In a backward country where people are yet to realise the value of universal suffrage as an instrument for shaping their own future, voters must be taken to the polls, by persuasion if possible and by compulsion if necessary."

Of course, we are trying to take them to the polling booth by persuasion, but I do not know how they can be taken by compulsion. He says that out of 18 crores only 8 crores went to the polls. He has not suggested how compulsion can be enforced on other people; whether they should be put in jails or whether he wants to impose any fine on them. I expected that at least he would have made some suggestion in his amendment, but I see from the amendments tabled that there is no such thing from him showing how these people are to be compulsorily sent to the polls.

I am also against what Shri N. C. Chatterjee stated. Why should a man be allowed to state that as he belongs to the Chamar community or any other community—say Muslims—all Chamars or Muslims should vote for him? The simple answer to this is that our Constitution does not recognise any such distinction. We do not want that the caste system should be perpetuated. Under the present circumstances, for some years the Scheduled Castes and Scheduled Tribes will have to be continued, but our goal is that even these differences are to go within a short period. Therefore, under no circumstances should a man be allowed to make a systematic appeal to any caste, community or religion to canvass votes.

Lastly, I am glad that under clause 81, section 169 of the Act is sought to be amended. Under that clause all rules made under this Act shall be subject to such modifications as the Parliament may make. This is a welcome innovation, because we have got several difficulties at the time of elections and it is very good that the rules, when they are framed, will be placed before the Parliament, not only placed before the House, but the Parliament would have an opportunity to make any amendment in the rules. Therefore, this is a welcome feature of this Bill.

Shri H. N. Mukherjee (Calcutta North East): Mr. Deputy-Speaker, Sir, though I have been a member—and a humble member—of the Select Committee, I should like to say without immodesty that the Select Committee has done a good job of work. Thanks, particularly to its Chairman, Pandit Thakur Das Bhargava, it could go into provisions of Bhargava, it could go into provisions of the Representation of the People Act, which were untouched by the present amending Bill and the result

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is that a considerable amount of ground has been covered in the direction of making the election process comparatively simple and unencumbered by these technicalities which appears almost eccentric to the layman.

I feel, however, that I must say that we have not got yet anything like a real election code and a body of consolidated rules made thereunder. We wanted that election code which could displace a mass of dispersed law and piecemeal rules. And Sir, this has happened on account of the Government's 'hand to mouth' policy, if I might put it that way. This, our Parliament, the first Parliament that was elected on the basis adult suffrage, could have given our country a truly and well thought out States Reorganisation Law and corresponding with it a comprehensive election code, but the Government wobbles and fumbles and thinks of fantastic make shifts from time to time and the results are calamitous.

In so far, however, as this Bill improves upon the present system regarding the regulation of election, it is welcome, and it is in the hope that the House will further pursue the process of improvement that I am addressing certain remarks.

Sir, in our ancient republics, some of which—like that of the Lichhavis—lasted nearly for a thousand years, as well as in organisations like the Buddhist Sanghas, the electoral process was well-known in our country. Perhaps, such traditions lingered in our racial memory, for the way our mighty electorate, 180 million strong, reacted when called upon to exercise the franchise has been something to be pround of. We owe it to our great people, great in spite of the sorrows and degradation we have suffered through the ages; we owe it to them to evolve as good an election law as we can.

At this point, I should say also a word about the Election Commission which, by and large, has behaved with dignity and with efficiency. Its report on our first general elections and its recommendations in regard to the future conduct is a valuable document.

I proceed now to make certain observations in regard to the way in which I feel we should change the Bill as it has now come before us. I feel strongly on a point, which has already had the support, happily, of my friend Shri N. C. Chatterjee, that clause (b) of section 7 of the Representation of the People Act, 1951, should be deleted. It has been said before, and I need not dilate upon it, that in the socio-political context of our country, it is not right to have a provision of his sort. It may be unfortunate but it remains a fact that from time to time issues arise which impel some of our best people to face a conviction. Shri N. C. Chatterjee gave instances and so I need not repeat them, but actually, what has happened over and over again is that some of our very fines spirits have had to be convicted by courts for offences that do not by the utmost stretch of imagination come in the category of moral turpitude but they are offences which unhappily happen to be committed. That being so, I feel that Government should give very serious thought to this matter. I do not think it is divulging any secret in regard to the Select Committee's proceedings if I say that that there was a good deal of discussion on this point. The Secretariat was of great assistance to us giving us material in regard to the procedure followed in other countries about the disqualification on the score of conviction, and it was clear to everybody that we are following a rigid rule, a rigid rule which is by no means in conformity with the interests of our people and with the position of affairs in our country at the present moment. I therefore wish that our law in this regard should not be harsher than what it is in the United States or in Canada or in the United Kingdom and in certain other countries. I wish to press very strongly for the omission of clause (b) of section 7 of the parent Act.

I wish that a slight change is made in clause 13 where it is said that the polling date should not be earlier than the 21st day after the last day for withdrawal of candidatures. I suggest that 30 days should be allotted for this purpose. I say this because there are areas in our country like Rajasthan or Himachal Pradesh or Assam where geographical, climatic and other considerations are very serious and if you are going to have a real electioneering campaign, it is only fair that the people should be in a position to hear what the candidates have got to say about themselves and their particular programmes. That cannot be done within the period of 21 days.

I wish also that in clause 15, sub-clause (3) the expression "disloyalty to the State" which is to bring a disqualification in regard to elections should be deleted. This expression "disloyalty to the State" might appear to be a very fine formulation but I fear that in practical terms it would be very difficult to apply it. I can understand the law demanding that everybody should be loyal to the country. I can certainly understand that we are all expected to be loyal to the State because the State is the embodiment of our freedom. It reconciles the inwardness of morality with the externality of the law. But as a matter of practical fact, what happens is that the State remains as a concept and an attempted concretisation of an emotion, but that attempt has not yet been fully successful anywhere in the world. That being so, what happens is that the Government is substituted in the place of the State and for all practical purposes, loyalty to the State comes to be interpreted as loyalty to the Government. I can say that we are loyal to India; we are loyal to the idea of freedom to the country to the last breath of our being, but if we are going to be hauled up because of something which is interpreted as being tantamount to disloyalty to the Government of the day, then surely we are prepared for all hazards and I am sure the finest spirits in our country, on whichever side of this House they may be at the moment, would say that "disloyalty to the State" is an expression which has been in practical life interpreted to be identical with disloyalty to the Government. That being so, this ambiguous expression should not be there in the law at all.

Then, in regard to the election expenses, I have certain points to make. I do not agree at all with Shri N. C. Chattrejee who wanted that the ceiling in regard to the election expenses which is there should either be not there at all or it should be high-lightened. My feeling is that if we are going to have decent political life in this country, the elections can be fought only on the basis of voluntary and almost entirely honorary labour on the part of our workers. My experience is that there are so many of us who have not got the wherewithal to finance an election even to a pettyfogging little body where you have got a few electors if the election is conducted in the rather disgraceful way which is particularly seen in our country from time to time. Here is my friend Shri Maitra who made his affirmation yesterday. I know the way in which his election was fought in Calcutta because I was there, and I myself fought the election in Calcutta where I got double the Congress vote. I had no money to spend and when I got two copies of the electoral roll I was out of pocket. Natuarlly, of course there was my party to finance me. I know there was difficulty. But, at the same time, what I depended on was, and what my frined Shri Maitra depended on was the entirely voluntary labour of so many people whom we have never known whom we shall never know as long as we live. In lane after lane in Calcutta there were festons, placards, posters, done by God knows who. We cannot give any account of that sort of thing. That happens to be so from time to time in our country when the decencies of political life are properly respected and there is an upsurge among the people, and if the Congress Party can touch off that unsurge, God bless them. They have a right to the support of the people. If a real Congress patriot stands for election, he does not have to go about spending money in one way or the other. But money has to be spent for transport, for propaganda, for posters, for printing, etc. But then money ought to be found in a decent atmosphere by purely local initiative unconnected with any dictation from the side of the candidate. I know that I would be told that you are required by the law to furnish full particulars in regard to all the expenses incurred on account of the election. I cannot possibly get to know what has been spent by my friends in one part or another of my constituency. That kind of election accounts should not be demanded of me by the law. If this is law, the law is an ass and that should be subverted. What I am saying is that if we want a decent political atmosphere in the country and if you have a decent political atmosphere, voluntary workers should come forward as they are always coming forward—and there is no doubt about it. Even on the side of the Congress there must be voluntary workers. I know that so many malpractices are taken recourse to particularly by those who are the bigwigs in our country, and therefore the natural supporters of the Government party. I know that these things have happened. I know it, but at the same time, I know that there is a certain amount of political idealism in the country which can be mobilised, and in that case I feel that we must try to have a target, and that is to achieve a decent political atmosphere where the candidates or his

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party would not have to spend considerable sums of money out of their own pockets. But if large sums of money are permitted to be spent by individuals or by parties or by organisations Big Money control over elections would become a terrible fact.

During the last few years, or a little before that, we heard of sugar magnates in Uttar Pradesh and elsewhere being hand in glove with the Congress Party. I am not sure and I cannot prove it for myself, but the report was current all over the place. Shri Asoka Mehta has told us something about the Congress collecting an election fund to the extent of Rs. 3 crores. I have seen reports.—I referred to them on the floor of the House during the discussion on the States Reorganisation Bill—that the treasurer of the Congress Party happens to be the Chief Minister of Bombay State and all the hulabaloo over Bombay being taken away from Maharashtra is largely due to the fact that the financial interests in Bombay city do not want Bombay to be given to Maharashtra and those interests are operating as an influence on the minds of the Congress leadership and particularly the treasurer of the Congress Party who is worrying naturally a great deal as to what is going to happen in the next general elections. That being so, there must be a stop put to the kind of electioneering expense which goes on. I do not want that an exemption is given to political parties. If the political parties are spending money for the sake of their own candidates, they must come forward and give an account of what they have spent and on what particular candidate. It is for Government to work out some ways and means by which a fair apparatus of calculation could be discovered. So, Sir, I feel that in regard to election expenses, this matter should be carefully considered by this House.

I am not happy over the requirement of security deposits from duly nominated candidates. Perhaps in a really socialistic society, there is no question of this kind of deposit. I was reading the report of the proceedings in our predecessor legislature and I found that one Member had suggested that all the expenses of candidates should be met from the exchequer. That is a reasonable suggestion, if you think that there is a socialistic kind of society. If you do not think that we are going to have a socialistic kind of society, naturally you think differently. But anyhow, I feel for the time being that the deposits should be reduced. For parliamentary constituencies I suggest that the deposit required should not be more than Rs. 200 for the general seats and Rs. 100 for the Scheduled Castes and Scheduled Tribes seats. For the State legislatures, it may be Rs. 100 for the general seats and Rs. 50 for the Scheduled Castes and Scheduled Tribes seats. I might be told that so many people would come forward and pose as candidates and the whole thing would be terribly complicated. I say that you can deal with it in other ways I am not very sure about my recollection, but I think that the Election Commission had suggested that you might change the rule in regard to forfeiture of deposits. If some candidate gets less than one-sixth of the total number of votes polled, then his deposit is forfeited. You might make it one-fifth or even one-fourth. In this country where in 99 cases out of 100 the man is poor, if he is a candidate for election, do not make it incumbent on him to come forward with a large security deposit and to pay a large sum of money for the purchase price of the electroal rolls and all that kind of thing. I feel, therefore, that there should be a provision in our law for helping the candidates. It is a good thing that our committee has suggested that the Central Government should permit each contesting candidate to send free of cost at least one post card to every voter in his constituency for canvassing his candidature. But, I feel that this is not quite enough. Actually in England, I find in their Representation of the People Act, 1949—the U.K. Act—section 79 says:

> "two ounces of paper can be sent post free to any voter by a candidate."

I feel also that every voter should be informed by the election agency in advance by the issue of cards indicating his roll number, his place in the electoral roll, the address of his booth, etc. as is done in England. That is something which should be done at once. In my consituency, it was the fag end of the electioneering period and I was told that as far as my candidature was concerned, cards did not happen to be distributed to so many thousands and thousands of voters to tell them where they should go and all that kind of thing. For the life of me, I could not understand why it should be my business to tell my electors as to where they should go, and

which is the booth where they should vote. This is the job of the election agency, the job of the Government. The Government should do it. There is no harm in it; on contrary, that is something of a provision which should be made in the interests of the candidates.

There are certain other matters also to which I would make a reference. For example, the question has arisen in regard to the quick counting of votes. My friend, Mr. More, has made a suggestion which I commend to the House. I feel that quick counting of votes is a very important matter, because in the absence of quick counting, all kinds of suspicion arise and suspicion ought to be offset by whatever measures we can practically adopt. I had myself suggested that there should be a right on the part of the candidate or his polling agent to seal the ballot boxes of any candidate to his satisfaction. I was told by some people and I have put in my minute of dissent that in certain instances, it may be desirable to allow candidates to post their own volunteers to help the State sentries, policemen and other people, in watching the places where ballot boxes are kept for safe custody. Personally I do not like this cumbrous procedure; on the contrary, I would support Mr. More's idea according to which you can get the counting done almost the same evening in every polling booth. In every polling station, the counting could be undertaken. Perhaps this might not commend itself to many people and some friends are shaking their heads. I feel sure that this kind of provision should be given very careful thought by Government.

I am glad that some amendments have been given notice of—particularly, I notice one by my friend, Mr. Deshpande, who is not here, suggesting that among corrupt practices, the practice of Members of Government utilising their position when on tour for election purposes should be included. I have read the proceedings in 1951 and I have found that the Law Minister of that day said in answer that the Council of Ministers had always to be there advising the President as to what he should do from time to time; they had to go on tour and so on and so forth, and therefore, this kind of business would be very difficult to pin down, so to speak, in legal technical terms. I am not very expert in regard to legal technicalities and I cannot pronounce upon it very finally. But, I wish Government to come forward and say that a convention is going very definitely to be created that Ministers, Deputy Ministers, Parliamentary Secretaries and all that numerous tribe, should not utilise their official position on the eve of the elections in order to carry on at Government's expense, at the people's expense, propaganda in favour of their own political parties. In regard to this also, I think we can copy something of what is done in England. In England there are many feudal survivals, hangovers of the past days. There are also some very good things. I read that—this has been referred to in Parliament in the early days of the life of our House—when Mr. Attlee, the former Labour Prime Minister, used to go on his electioneering campaign, his wife would drive the car and he would go from town to town to whichever place he had to go and carry on his electioneering campaign in that way even at the time when he was Prime Minister of His Britannic Majesty. If in England they could do that kind of thing, why could we not start a convention that as far as Ministers and other Members of Government in various capacities are concerned, they would not take advantage of their official position on the eve of the elections.

Mr. Deputy-Speaker: The wives of all Ministers may not be able to drive.

The Minister in the Ministry of Home Affairs (Shri Datar): Some may not have wives at all.

Pandit Thakur Das Bhargava : They will drive their husbands too fast.

Shri H. N. Mukerjee: Your interjection, Sir, has helped me more than whatever volubility I might have introduced in the discussion.

I wish to refer to another point and that is in regard to broadcasting facilities for all parties which are denied every time. In regard to this, I shall draw the attention of the House to the reference of the Election Commission to the fact that in the last general elections, the success of the entire proceeding was at least partly due to the peaceful campaigning which was done by the political parties and surely in the period which we are looking forward to, the chances of a really peaceful conduct of elections are very much more bright than ever before. This time, therefore, every opportunity should be guaranteed to all parties in the country, especially the recognised parties in the country, as far as broadcasting facilities are concerned. In

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regard to this, the Election Commission in its report at page 194 made a somewhat half-hearted, but all the same positive, recommendation.

The Election Commission writes:

> "On account of the multitude of parties, the strength and standing of some of whom were difficult to ascertain, the matter became too controversial and the Election Commission advised Government that it would be almost an impossibility to apportion broadcasting facilities amongst the numreous 'recognised' parties with reasonable fairness and to the general satisfaction of the public. The Government accepted the Commission's advice and no broadcasting facilities were extended to the parties for their election campaign. Now that the number of 'recognised' parties has considerably decreased and their comparative strength in the country accurately ascertained, it may be possible to re-open the question and evolve a reasonably satisfactory scheme for extending this facility to the parties for the next general elections."

This has been put very mildly in a very sedate form by an official body and I feel that in regard to this something ought to be done by the Government.

I feel that I have covered certain of the more impotrant points to which I wanted to draw the attention of the House. I know there are certain other points, and I am sure other Members of the House, particularly Shri S. S. More who has a volatile and original mind, have given careful thought to them. I am sure that when we go into the clause by clause discussion, we shall try to change this Bill in as beneficial a manner as possible so that we can have a kind of an Election Code of which our country can be proud.

Shri Mulchand Dube (Farrukhabad Distt.—North) : Mr. Deputy-Speaker, I associate myself with my other hon. friends in paying a tribute to the Members of the Select Committee for the way in which they have improved this Bill and to the pains that they have taken in improving it. The Bill as it has emerged from the Select Committee is in a very much improved form and I believe will help to a considerable extent in simplifying the election procedure.

I should like to say a few words about the manner in which election disputes are settled. The disputes centre round three or four main things: scrutiny of the nomination papers, the commission of corrupt practices by the successful candidates and the irregularities that may have taken place during the election. So far as scrutiny is concerned, it has still been left to be decided and determined by the Election tribunal. I should have preferred that this matter should have been given finality at a very early stage. There was a suggestion in the Bill as it was originally before the House that the acceptance or rejection of nomination paper should be made appealable. But, somehow or other, it has not found favour with the Select Committee. I would still suggest that the hon. Minister for Legal Affairs may still consider the matter and leave the scrutiny to be made not by the returning officer, but by the principal court of original jurisdiction that may have jurisdiction in that area and make the decision of that court final so that the question of the acceptance or rejection of nomination paper may no longer be a subject which may be taken up before the Election tribunal. However, since this has not been done, I go to the other point.

The next point that offers a serious headache is the question of return of election expenses. I appreciate the simplification of this procedure to a certain extent. But, the clauses as they now stand seem to provide definitely that every candidate shall have to maintain a correct and separate account of the election expenses. What are election expenses has been left to be prescribed by the rules. It so happens that we are so much obsessed by the rules as they prevail in the U.K. that we fail to take into account the conditions that prevail in this country. The present form of return of election expenses is very complicated and seems to be of a baffling nature. I submit even experienced lawyers have found it difficult to fill up the form corectly. It also happens that the various heads and sub-heads in that seem to overlap sometimes. There does not seem to be any clear explanation of the various heads and subheads in the rules. If the rules are still framed on the pattern of the rules prevailing in the U. K. or on the pattern of the present return of election expenses, I submit that that would continue to be bigger

headache. Then, the particulars that are to be filled up, I do not know how they could be managed. Assuming for the sake of argument that a few friends visit a candidate during election and those friends are electors also and they are given a dinner or breakfast or anything of the kind, will it be necessary to include this in the return of election expenses? Assuming that the candidate goes out on election campaign and has occasion to be entertained by some friends or has to entertain some of his friends there, will it also form part of election expenses? These are some of the difficulties that are likely to crop up. The particulars which are to be mentioned in the separate account that has to be maintined by a candidate, I hope, will not be as complicated as they are at present. I do expect that the framers of the rules will go into this question in a practical manner and realise the difficulties that beset a candidate during the elections in preparing the return of election expenses. This is, as I submitted, a difficult question and would require much foresight.

It has been said by the hon. Minister of Legal Affairs that expenses incurred by a party will not be taken into account. But, it is qualified in a way. When the leaders of a party for instance go out campaigning and holding meetings, whether the expenses that are incurred in holding those meetings if they only refer to the names of the candidates whom they have come to support, will become part of the election expenses of the candidate himself or whether they will remain the expenses of the party is the question. These are some of the difficulties which the filing of the return of election expenses bristles with. I hope this will receive the consideration of the framers of rules. I should have preferred that the particulars that are required to be filed in the return of election expenses should have been considered by the House. That I think would have been a much better procedure, though it might have, to a certain extent, delayed the passage of the Bill.

3 P.M.

The next point to which I wish to draw your attention is clause 65 which has, in fact, re-enacted section 123 of the original Act. In this you will find that any bribery, undue influence or other corrupt practice practised not only by a candidate or his agent is mentioned, but the words "or any other person" are also included. Who that any other person would be I am unable to understand. I could have understood if the words "any other person" had been qualified by the words "who has acted with the consent or connivance of the candidate". If you leave the words "any other person" as they are, it might mean any other person belonging to the opposite side or the candidate who is fighting the election against that man. If a corrupt practice is committed by any other person than the candidate himself, I think he should be somehow or other connected with the candidate whose election is sought to be questioned on the basis of that corrupt practice. It is, therefore, I think necessary that the words "any other person" should be so qualified as to confine them to persons who are acting with the consent or connivance of the candidate whose election is sought to be challenged. That is a matter which deserves very serious consideration. It may be that I have not been able to understand it, but I wonder how it has escaped the vigilance of the Select Committee with Pandit Thakur Das Bhargava at its head which had in its membership Shri More and other eminent lawyers. It may be that I am unable to understand it to the extent that these gentlemen do, but then I do submit that to leave the words "the commission of a corrupt practice by any other person" in the form in which it is, would lead to considerable difficulty.

There is one other point on which I should like to say a few words. The Committee has taken pains and given adequate attention to the fact that election disputes should be settled as expeditiously as possible. They have also gone to the length of fixing a time-limit and providing an appeal. So far as the question of the provision of the appeal is concerned, if it is done with the object of preventing revisions and writs being moved in the High Court and Supereme Court, I think it is a salutary provision. But I should have preferred the law to be changed rather than to provide an appeal. If necessary, the Constitution could have been changed, so that there could be no appeal. The general principle in regard to election disputes is that these matters should be decided and settled as expeditiously as possible, because during the time the election petition is pending, the Member who has been elected to a legislature is not able to attend to his duties with undivided attention. Therefore, the sooner it is

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finished, the better. There is the tenth amendment of the Constitution waiting. We could as well have an eleventh amendment so that except the Election Tribunal no other court should have jurisdiction to entertain any dispute relating to an election.

In regard to the expediting of the proceedings, I have to make a submission. The election petition that is filed should, besides containing the particulars provided by the Bill also contain a list of the documents on which the petitioner relies. He should also give a list of the witnesses whom he intends to produce during the trial of the election petition. There should be a mandatory provision in the law by which the person making a petition is compelled to disclose the documents on which he wants to rely. Any departure from the list of documents that has been appended to the petition or from the number of witnesses that are to be produced should not be allowed except under the conditions which are prescribed under the present provision in the Civil Procedure Code Order 47, rule 47(3). If that is done before the petition is sent to the Tribunal and if this preliminary were to be provided for by the Election Commission, I submit the period of six months provided in the Bill could further be reduced to three months or even less. So, my submittion is that everything that is possible for the purpose of shortening the period during which the election petition may continue to be pending should be done. This is one of the suggestions that occurred to me and I am sure that other hon. Members when they consider it will be able to find other means of lessening the period of the pendency of the election petitions.

This is all I have to say.

Shri Kamath : I believe I am not exaggerating when I say that so far as the working of this election law is concerned, I happen to have more experience of this law than most of my colleagues in this House, if not all my colleagues.

An Hon. Member : You are a victim.

Shri Kamath: I would therefore crave your indulgence and the indulgence of the House to dwell upon a few features of this law and the amendments sought to be made at this stage. I thought the stage had arrived when we could assess the working and the potentialities for mischief or otherwise of this law after the country had gone through the gamut of a general election and its aftermath. But I find that many of the fundamental features remain the same, unaltered, while a few more obnoxious or pernicious features have crept in into this law. That is a really unfortunate development, and that is pregnant with very great mischief and is detrimental to the future of real democracy in our country.

It is a truism to say that elections are the base of a parliamentary democracy, and unless you have fair and free elections, you cannot have a fair and free democracy or a strong democracy. But, are we working for, are we ensuring, fair and free elections in our country through this law? That is the first question that has got to be answered by the benches opposite. I am afraid that not merely the old law as it stood did not conduce to fair and free elections, but the new amendments which are sought to be made, some of them, have made the position worse. As long as we do not put a check upon these three, shall I say, M's—Ministers, money and machinery....

Shri S. S. More: And madness.

Shri Kamath : Madness goes with them.

Mr. Deputy-Speaker : That is very serious issue and it should not be decided. .....

Shri Kamath : ..in the House. I entirely agree with you. Unless we put a very severe check on these three M's, Ministers, money and machinery—by machinery I mean in the larger sense the administrative machinery plus the automobile machinery; the latter is perhaps not so bad, but the first machinery is unless we check these things, we cannot have, and we shall not have fair and free elections in our country. The Minister, Shri Pataskar, has disappeared, but....

Shri Asoka Mehta : Empty benches and empty boxes.

Mr. Deputy-Speaker : The Minister in the Ministry of Home Affairs is here.

Shri Kamath : But he was not present here when the Minister of Legal Affairs spoke. Anyway that does not matter. The Minister of Legal Affairs observed that certain features that were sought to be

retained, such as security deposit and cognate matters, were on a par with what was obtaining today in UK and some other countries. It may be so, but there is a case which can be argued for the reduction of secruity deposits. The Minister pointed to UK, but I am told that the *per capita* income in UK is about £300; That is nearly Rs. 4000.

An Hon. Member : £800.

Shri Kamath : While the *per capita* income here is, I believe, Rs. 250. If you take that proportion as the basis, I am sure there is a very good case for the reduction of security deposits in our country. The deposit for a parliamentary election in UK is £150. That comes to about Rs. 2000 or Rs. 1,800. So, this is a point that has to be taken into consideration.

I shall dwell mostly on the broad features of this scheme, because tomorrow, when the clause by clause discussion comes up, I shall come to these points in greater detail. The most obnoxious feature of this Bill is the attempt to do away with the restriction of party or organisational expenditure for the candidates. That will not simply be a leak in the dyke, but the flood-gates of corruption, of unfairness, and of unfreeness etc. will be opened, and we shall have to say good-bye to fair and free elections in our country. For, it is universally known—I need not hammer that point here—that the Congress alone commands today the Ministers, money and the machinery. When that is so, if the proposed sub-section (4) of section 77 is adopted by the House, then I for one will say, 'finis' to democracy on that very day, and there would not be any democracy left in our country. There will be one-party rule in that case. That is a different matter, but there will be no democracy. As the Hon. Speaker said the other day in Patna—if he has been reported correctly by the press—a number of parties and a strong opposition are vital to a democracy. And I am sure, knowing you as I do, you also share that view.

Mr. Deputy-Speaker : I am sorry I cannot express it.

Shri Kamath : There are other forums for you, and I am sure you will say so one of these days.

Therefore, I would venture to assert that this is one of the most obnoxious things, if not the most obnoxious thing, in the entire Bill, and I would certainly oppose it with all my heart and all my soul, and I hope that that particular provision will be resisted by the House and defeated by the House.

I would have been happy if this Bill had been extended to our neighbouring State on the frontier, the State of Jammu and Kashmir, because various things are happening there, which we do not know. They are shrouded in mystery. Even the press is quiet, is silent, and I do not know why even the press which is supposed to be free and fearless does not give us the fullest information about Jammu and Kashmir.

There were elections recently in Jammu and Kashmir, I mean the municipal elections in Srinagar and in Jammu. Various things have happened there, which I have come to know first-hand, not from hearsay merely but from those who took part in those elections. But not a word has appeared in the Delhi press. And a very significant pointer in this direction is that I had tabled a short notice question some time ago, not about the elections, but about another matter. It is about eight days since I tabled that short notice question on the *Sadar-i-Riyasati* going on leave to Europe. There has been no intimation at all as to what has happened to that question. I expected that this would come in the starred question list. Even that has not come.

Mr. Deputy-Speaker : That would be a separate question.

Shri Kamath : I am saying this only to show that the whole thing is shrouded in mystery. The mystery is growing deeper.

Unless and until—I repeat it with all the emphasis that I can command—the Election Commission's authority, power and jurisdiction are extended to the State of Jammu and Kashmir, Jammu and Kashmir will not be an intergral part of the Indian Union; and whatever the Prime Minister or the Government might say to the contrary that it is an integral part of India, it cannot be so, unless and until elections are held there on the same basis as in the rest of India.

I would only say, a few words more to buttress or to support my argument that the elections have not been free and fair

[Shri Kamath]

in Jammu and Kashmir, because of lack of application of this law; Government conduct everything; there they frame the Act, they execute it, they conduct and supervise all the elections. There is no independent body like the Election Commission to do it. There is a municipal Act under which the recent elections were held, and that Act refers to the use of ballot papers, how they are to be disposed of, how the ballot boxes should be sealed and handed over to the presiding officer and then to the returning officer, or the chief registration officer, or the proper authorities concerned.

But you will be amazed, when I tell you one thing. After the last general elections, my hon. colleague in the last Parliament, the late Dr. Syama Prasad Mookerjee drew the attention of the House to the fact that ballot papers belonging to some polling station in Jullundur in the Punjab were found some miles away in Amritsar or Ludhiana. Ballot papers intended for a particular polling booth in Jullundur were found very far, miles away in Ludhiana or Amritsar, and the district magistrate of that particular district in Punjab had also issued a statement in that connection. But you will be amazed to hear that here the ballot papers of Jammu have travelled, not merely within Jammu and Kashmir, but they have travelled as far as Delhi, and here I have got this packet of ballot papers. They have come into my hands, and they have come to Delhi. If these things happen in Jammu and Kashmir, then is there any hope for fair and free elections in Jammu and Kashmir? These things are happening in Jammu and Kashmir because that Government, that State is one-party State, and there is no democracy in that State.

Mr. Deputy-Speaker : Is the hon. Member going to place those ballot papers on the Table of the House?

Shri Kamath : Yes, I shall place them on the Table with your permission.

Shri L. N. Mishra (Darbhanga cum Bhagalpur): How could you get them?

Shri Kamath : I shall show you the municipal Act, or the election Act. They had to be given in the custody of the presiding officers or the proper authorities. But these papers have travelled from Jammu and Kashmir to Delhi.

Shri L. N. Mishra : Travelled or smuggled?

Shri Kamath : They have come into my possession. I would demand that an enquiry should be made into this matter.

Mr. Deputy-Speaker : They may be laid on the Table. [*See* Library Index No. 5-183/56].

Shri Kamath : I will. Therefore, I would suggest that an enquiry should be made into this matter as to how these elections have been conducted; and possibly the same things might have repeated themselves in the elections to the Constituent Assembly or the Legislative Assembly of Jammu and Kashmir. We must put an end to this sorry state of affairs in Jammu and Kashmir, and the only way of doing it is to extend the authority, jurisdiction and power of the the Election Commission to the State of Jammu and Kashmir.

I shall refer to only one more matter, and I shall have done. The Election Commission have in their report suggested that the ceiling for election expenses may be raised from, I believe, Rs. 25,000 in the case of a single-member parliamentary constituency, to Rs. 35,000 or Rs. 40,000—I am not quite sure about the figure. But they have suggested that it might be raised. This is only helping the rich who will get votes from the poor. The Congress, of course, gets money from the rich and votes from the poor. So this might help them; I do not doubt that proposition at all. But if it is really meant to be an election where the poorest and the humblest can participate and further his aspiration of seeking election to a Legislative Assembly or Parliament to serve the people, if merit is to be the sole consideration, and not these money bags or the Ministries or the administrative machinery, then I would suggest that this suggestion of the Election Commission goes counter to that, to the proposition that there should be really equality of opportunity for candidates in the general elections.

The Minister of Legal Affairs, Shri Pataskar, was pleased to refer to the UK. But may I invite his attention and that attention of the House to the fact that during the last general elections held in England the then Prime Minister, Mr. Attlee, went about in his own private car and his chauffeur was his wife —or, rather his wife was his chauffeur?

Pandit Thakur Das Bhargava : What would happen to those who have no wives?

Shri Kamath: You can get a driver on hire. You can employ a driver. There is so much unemployment in this country, especially of drivers. You can easily get a driver.

But here even a chhota Minister, a Deputy Minister or Parliamentary Secretary goes about—I have seen it with my own eyes in my own State—all over the constituency in State cars making a pretext of official business, of opening a pan-shop or bidi shop or something like that. The Press also gives front-page publicity to it. The opening speech made by a Minister opening a little pan-shop or a little dispensary is fully reported while a speech made by an eminent leader like Shri Jaya Prakash Narain is blacked out. I say this because I have not still forgotten the fact that the AIR and the whole Press published the speech made by the Prime Minister at Patna, at least some portions of which can now be described as irresponsible. I refer to the speech made by the Prime Minister at the Patna Maidan, because the Judicial Committee's report is now out and the Committee is dissolved. So we can certainly now with confidence say that the Prime Minister's irresponsible speech made at the Patna Maidan was broadcast by AIR and published in full in the papers while there was no reference made—not even a line—by the All India Radio to the statement of Shri Jaya Prakash Narain. Therefore, I am pressing that the AIR must be made available for use by all parties. I know that the Government have been steadfastly and staunchly opposing this move. Of course, they have got their vested interests. But is this fair? Is this free election?

The BBC in England gives the Opposition all facilities in this respect. As regards America, they have private broadcasting systems; anybody can use them for his own propaganda. But here it is a government monopoly. It is a government megaphone, a loudspeaker of the Government—the All India Radio. We, the Opposition parties, are steadily denied use of All India Radio. This is a matter which must certainly be looked into before the next elections. If we are not given equal opportunities in this regard, it is not going to be fair and free elections, it is going to be a sham, a wash-out and a mockery. So I would earnestly suggest that this must be looked into.

I will take up other points tomorrow and the day after, but at this stage, I would only say that some of the amendments sought to be made are certainly against the spirit of free and fair parliamentary elections.

Shri Seshagiri Rao (Nandyal) : Mr. Deputy-Speaker, Sir, I am all admiration for the marvelolus work that the Select Committee did and the substantial contribution it made to our election law. The Election Commission had made a number of suggestions, and the present Bill, as emerged from the Select Committee, meets almost all those points.

The disqualification from being a member is reduced from five years to three years. The cumbersome procedure that was there previously for filing nominations with proposer and seconder, has now been simplified. Also the procedure to be followed at the time of scrutiny has been made very clear, the administrative machinery is well defined and the powers are also clearly defined in this Bill. The provisions with regard to withdrawal and retirement have been very clearly expressed. It is but essential that the power to retire should be given. That is a new thing we have got in this Bill. The procedure that has to be adopted before the election tribunal is clarified, and appeal is also provided for. These are the various points dealt with by the Select Committee.

I should like to point out that certain points following the amendment of Pandit Thakur Das Bhargava were not taken into consideration. They are set out in page 32 of the Report of the Select Committee. We find that as many as 19 items have been given. The instructions of the Speaker were that the Select Committee should go into these points also and make its suggestions. I find that item No. (ii) dealing with appeals from decision of Returning Officer on scrutiny of, nomination, item Nos. (v), (vii), (xii) and (xviii) were not considered by the Committee. If the Select Committee had considered these points and did not agree to change the existing law, the Report at least must have mentioned that the Committee did not want to change the law.

[Shri Seshagiri Rao]

Coming to the existing provisions, objection has been taken by my hon. friend, Shri N. C. Chatterjee, regarding exemption of expenditure by recognised parties from the scope of section 77(1). This provision is not an innovation in this Act. If you will refer to section 125 of the Representation of the People Act, 1951, you will find in Chapter II :—

> "The incurring or authorisation by any person other than a candidate or his agent of expenses on account of holding any public meeting or any advertisements, circular or publication or in any other way whatsoever for the purpose of promoting or procuring the election of a candidate, unless he is authorised in writing so to do by the candidate....."

Then the explanation is very important :—

> "Any such expenses aforesaid incurred or authorised by any institution or organisation for the furtherance of prospects of the election of a candidate supported by such institution or organisation shall not be deemed to be expenses incurred or authorised within the meaning of this clause."

So expenses could be incurred by an institution or organisation for the furtherance of the prospects of election of a candidate.

An Hon. Member : Recognised party.

Shri Seshagiri Rao : 'Recognised party' in section 76. That section is dropped. Is 'institution or organisation for the furtherance of the prospects of election of a candidate' a bigger term or is 'recognised party' a bigger term? So recognised party is given a narrow connotation compared to what was existing before. It is not a new idea. Any institution or organisation could spend money for the furtherance of the prospects of election of a candidate. He has also argued that some of the parties have not been given free scope and they have not been considered as recognised parties.

At page 81 of the Report on the First General Elections in India, it is stated:

> "The Commission requested each State Government to discuss with all the organized political parties in the State the 'symbol system' and its working, and report the result to the Commission so that a convenient method of working the system might be decided upon and the largest common measure of agreement in the choice of symbols of different parties, might be arrived at."

Again, they say:

> "On the 30th July, 1951, the Commission held a conference with representatives of the main political parties in New Delhi."

So, if some of the parties did not attend and they are not included, it is not a matter of very great concern. Any party can approach the Election Commission and have itself recognised. There is no difficulty in recognising it. It has been so held by the Election Commission.

Then next point which I would like to urge is this. I fail to understand why the Select Committee has made a distinction between improper acceptance and improper rejection. If it is improper acceptance, it will be a ground for invalidating the election only if the election is materially affected. But, improper rejection is *ipso facto* a ground whether it materially affects or not. I fail to see any difference between the two. Improper rejection would mean that one person would get more votes that is ordinarily possible and improper acceptance would mean the sharing of the existing votes. So, both (c) and (d) should have the same proviso or condition that the election should be materially affected.

My hon. friend from the other side very nicely and clearly pointed out that the words 'any other person' in clause 65 is very intriguing. In the summary of the Election Commission's Report we find :

> "The hardship involved in unseating one of the elected candidates for the fault of another person should be remedied by suitably amending the law."

This is what they recommend. What we find here is not only 'the election agent' but also 'any other person'. I do not know why the Select Committee has

brought in these 'any other persons', when they have omitted section 125 which refers to 'any other person'. In this clause, in three places, 'any other person' comes in, page 24, line 34, in page 25, line 18 and in page 27, lines 4 and 5. This must be deleted. Otherwise the candidates will get into unnecessary trobules.

Another point which I would like to urge is this. The Select Committee seems to have done away with 'illegal practices'. Wherever these words occurred in the Act, they have been omitted. I have got my own doubts whether that is acceptable according to the Constitution. Under article 326, there are 5 restrictions on adult suffrage. They are, unsoundness of mind, non-residence, commission of crime or adoption of corrupt or illegal practices. If under article 326, illegal practice is a disqualification for being a voter, how can that be taken away under this amendment? Are we not encroaching upon the restriction that has been placed categorically by the Constitution? I would request the hon. Minister or Chairman of the Select Committee to clarify this.

An appeal has been provided from the decisions of the Election Tribunal I would like to invite your attention to section 170 of the Act.

> "No civil court shall have jurisdiction to question the legality of any action taken or of any decision given by the Returning Officer or by any other person appointed under this Act in connection with an election."

So, the question of improper acceptance or rejection by the Returning Officer is not open to any decision by a civil court. I do not know why the Select Committee have omitted this particular section 170, in spite of the fact that they have touched almost all the chapters. I think a High Court is also a civil court.

Pandit Thakur Das Bhargava : The High Courts are not civil courts within the meaning of section 170. They are appointed by the Election Commission. Even when the High Courts judges exercise jurisdiction, they exercise jurisdiction under appointmnet by the Election Commission.

Shri Seshagiri Rao : So, when there is an appeal to the High Court, will it be named or appointed by the Election Commission?

Mr. Deputy-Speaker : That would be answered by the Minister or somebody. The hon. Member may go on.

Shri Seshagiri Rao : I have got a doubt. It is only the Election Tribunal that has got the final power to decide the matter and no other court can have it. If they want to move, it should be under article 136 of the Constitution. In article 324 of the Constitution, it is said:

> ". . for the decision of doubts and disputes arising out of or in connection with elections to Parliament and to the Legislatures of States. . . ."

This read along with 329 bars the jurisdiction of the High Court, as an appellate authority. If at all we want to bring in the appellate power, it would be said that they have been appointed or nominated by the Election Commission.

One more point which I would like to submit is this. A single judge Tribunal has been constituted. In these days, it is always better to have non-officials also along with a judge. The Election Commission has recommended two-member Tribunals, one official and another non-official. If the official is a serving District Judge, I am afraid, he will be liable to influences of the Government. In the case of a non-official, I do not think there is any such posibility arising.

116B is a new clause. This has also to be recast in the light of the doubts I have expressed. I do not want to use any other word. Subject to such a decision, the orders of the Tribunal shall be final.

Shri S. S. More (Sholapur): Mr. Deputy-Speaker, I must at the outset appreciate the work which has been done by the Select Committee of which I also was a humble member.

Pandit Thakur Das Bhargava : Self commendation.

Shri S. S. More : I am appreciating the work not because I happened to be a member of the Select Committee but, because when I was making so many suggestions which sounded queer and extraordinary, the other members and particularly the Chairman were kind enough to show me great indulgence.

[Shri S. S. More]

Before I proceed to criticise some of the aspects of the Bill, I also want to pay a tribute to the Election Commission for having produced a Report in two volumes which places at our disposal a mine of statistical data and very useful conclusions. If the report was not there, I feel that the Select Committee too would not have been able to devote that much attention and care to the Bill as it would have been otherwise. In approaching this subject, we must look to the basic consideration. We are all out, irrespective of the party divisions, to see that democracy in this country, which is a new plant, develops under a proper climate, in a healthy manner, so that it can grow into a big tree and give protection and shelter to all persons who have been harassed during the feudal period and during the foreign regime. If we place that objective before our view, the point is: Have we done justice to the cause? Have we evolved an instrument which will lead us to this objective? What was the result of the feudal tradition that was here in our country? We were most of us mental slaves; we were slaves of the caste; we were slaves of the race; we were slaves of the community; or we were slaves of the religion.

Shri Acharya Kripalani (Bhagalpur *cum* Purnea) : Of province too.

Shri S. S. More : The Britisher, taking his own imperial interests into consideration did not try to eliminate this casteism, this racialism, this communalism or this religionism if we may coin a new word, but fostered all these sentiments because only with such sentiments prevailing in the country and the people being separated from one another on account of these sentiments, the imperial power could be safe. Now, fortunately, we have reached another stage where we are talking about strengthening the foundation of democracy with the aid of this Bill. Some of our leaders are in the habit of denouncing casteism and all this sectarian sentiment. I wish well to them, but such denunciations are not enough and will not deliver the goods that we desire. We must create and fashion the instrument of election by which the sovereign people will be really in a position to exercise their sovereignty and select or elect their proper servants on their own merits. Have we done it? I feel that this practice of individuals being nominated as candidates encourages no other feeling but this feeling of caste, no other feeling but this feeling of community, no other feeling but this feeling of race and religion. And all parties, I may assure you, Mr. Deputy-Speaker, are falling victims to this narrow sentiment. Scan the list of all the parties when candidates are put up. If in any particular locality, any community is in dominance or in a majority, every party will take care to see that a candidate belonging to that community is put up in that area. In section 123 which we have framed, there is a clause that the systematic appeal on the ground of race, religion, etc., shall be one of the corrupt practices. Shri Chatterjee went at it because he said that it was a weapon fashioned against him. I do not agree with his sentiment, but all the same when we put that sort of a clause here, I feel personally that we are following the practices which we so vociferously condemn in that particular clause. No party is free from this sin. If we have to make the people the sovereign in this country, that is, government by the people, is it not necessary that the party which comes into power must have the support of the majority of the voters? What are the means at our disposal? It is a mockery, and I would even say, fraud on democracy if persons getting less than 20 per cent of the votes or less than 40 per cent of the votes are elected as the representatives of the people. I say it is the elementary principle that unless the majority of the constituents or the electorate support a political party, it has no moral claim to say that it is a party which has been voted into power by the country at large. All such points are not newly raised on the floor of this House. They have been widely discussed. Even in England, on many occasions—I need not go into details—the majority of the members in the House of Commons have been discussing during the last 30 or 40 years how we can cure this. In order to give a majority support to the party coming into power, they are discussing the method of alternative vote, the method of second ballot, and in some of the countries they have already accepted the method of second ballot. The question is whether we can afford to go in for the second ballot. Suppose I get 40 per cent of the votes and somebody receives more and there is no absolute majority to the candidate who is to be declared elected; is it necessary that we should go in for the second ballot or second votes by eliminating those who have received lesser number of votes than they should? Our counrty cannot afford this; we are a

poor country. Therefore, if voting is made compulsory, we can get over some of the difficulties. Many friends belonging to the party in power have had a free and frank talk with me and they stated that that will be inconvenient to the party in power. I am surprised at the sort of reaction to my minute of dissent. Why should we in this elementary stage of democracy take such a narrow, deep-rooted partisan point of view? We are striving for the building up of democracy. Parties may come and parties may go, but the nation, if it is really democratic, will go on for ever. If we are really out for democracy, possibly Congress under that particular name may not be in power, but the progressive outlook which Congress is preaching for the present is also the outlook of some other party, and when that party comes into power, Congress people should not say that it is not a step towards democracy.

My submission is that instead of raising the ceiling of expenses, instead of saying that the return of expenses should be supplied and corruption ought to be stopped by that means,—submission of the return of expenses is not the way by which you will stop corruption—the particular provision that we have made will legalise corruption, will give a broad base to corruption, which is already a durable feature of our system of election. The expenses incurred by organised parties are not to be taken into account. That means that you are creating a discriminating situation in the country, a situation where larger and more thoroughly organised parties will be at an advantage against individuals or small parties.

I am told that the Speaker was pleased to express certain views. I concede that in a parliamentary democracy of the British type and a single-member constituency, the process will be the elimination of some parties and the smooth development of the two-party system. But, it will take some time. Even now, we have no party which is entirely organised on a class basis, on a perfectly ideological basis. The Congress is a hetrogenous group or organisation. The progressives are there and the reactionaries are also there. When we discussed some social measures like the Hindu Succession Bill, the clay feet of the Congress become apparent. But the Opposition is not free from that blemish. It is, as Panditji once said, a motely crowd. But that is an expression which can, with perfect reason, exchange between the two groups. Therefore, if a new party system has to develop in this country, we must find an election machinery which will encourage the development of two parties standing for certain ideologies in an uncompromising manner. If that happens, the people can make their choice. They will say that X is better than Y or Y is inferior to X. But in a hetrogenous organisation what really is the deciding influence in the minds of the people is the personality cult. People do not judge the party on merits. They say, who is the leader of the party? If X is the leader of this party, then, they say, they shall vote for that party. Somebody should say "No. I have nothing to do with X. Y is the leader of this party". Therefore, I feel that an election machinery ought to be devised in such a way that we can facilitate the growth of our country towards democracy. I would make an appeal to the Congress. Let them go before the voters with a complete list of their candidates all over the counrty, call up the names from the different States, selected for merit, selected for service, selected for talent because in this sort of democracy, talent is at a disadvantage, intelligence is the sufferer and here, not survival of the virile or the fittest but the survival of the servile, is the law. People, certain individuals, of the High Command are supposed to be the constituency. They do not go to the proper voters, the people. They are here trying to flutter and woo. Some of the opposition leaders shout and thunder but in the private life they go on wooing making all sorts of very sweet noises. What is happening? My point is that this sort of democracy is creating a race of flutterers and sycophants all over the world. Parliamentary democracy of the British type has done it. If I can quote a British authority, Sir Ramsay Muire has said that in a democracy of this sort, no party liked talent, no party liked independence, no party liked a man who can stand straight. There is a tendency to select servile people so that they can become yes-men. This is not a fair democracy. I feel that we must devise a system by which talent will have some chance and independence will have some worth.

If we have to do this, there should be compulsory voting. Change the method of voting. Not only that. The method of selecting the party-in-power by an absolute majority by the voters will be the

[Shri S. S. More]

proper method. With that purpose I made certain suggestions. I did not approach this problem from a partisan point of view, not from the point of view of a party here or a party there. They are sitting there with their fingers on the porridge. Possibly, another section from here will have the same chance some other time. What is it that we are giving to the people? Let the people be wary. We go to the voter. The Minister in charge ridiculed my suggestion. Under the Constitution we have given to the people the right to be registered as voters. He said that. I believe he has forgotten the elementary canons of jurisprudence that every right carries a duty. Compulsory education. Let the people live to take education; yet we introduce compulsion. Compulsory vaccination. Let the people die of smallpox. You take a compulsory measure to vaccinate everybody. Compulsory taxation; as my friend Acharya Kripalani said, compulsory loyalty to the party; compulsory respect to the leader of the party. All these things are compulsory in this democracy. But in the democracy of my friend, the Law Minister, compulsory voting became something strange that has to be ridiculed. There are so many other countries. In my minute of dissent, I have quoted so many other countries. Does the Law Minister suggest that Australia, which is a larger democracy than many others and of a long standing, does not know the difference between the right and duty? Voting was made compulsory in Australia in 1925. Figures are available. Upto that date, the total voting was not even forty per cent. But the moment voting was made compulsory, it went up to ninety per cent. Let us have compulsory voting for some time. England has such a widespread education which has played this part which, otherwise, compulsion would have played. They have made primary education compulsory in 1870. Within a period of 25 years the number of voters in England going to the polls rose to the tune of 80, 85 or 90 per cent. I would not take up the time of the House by quoting these figures. They are very instructive. As long as a counrty is colossally ignorant, as long as the people are steeped in the traditional way of thinking and are lacking so many other factors, this compulsion is necessary. I would not say that it should be a permanent feature. Educate the people. It is a process of educating the people. Even in political education there ought to be some compulsion. If we make voting compulsory, if we go to the elections twice or thrice, the people will realise the value of their vote with the result that without compulsion they will be walking to the polling booth and making a choice of their servants for running the administrative machinery.

It is no use saying that we shall put a ceiling. I again revert to that topic. I have no faith in these things—ceiling on election expenses and all that. Not because they are not salutary but because the rich, the mighty and the educated have all the weapons of fraud and forgery in their armoury and they commission all these weapons when they submit their return of expenses. I know cases where the candidates spent one or two lakhs but the return of expenses was as innocent as a peasant—some Rs. 8,000 or Rs. 9,000 below the ceiling. Who is at a disadvantage? The poorer candidates are at a disadvantage and also the ignorant candidates. For them this election expenses return by itself becomes a killer of their sleep for many days. I do believe in the *bona fides* of some of the Congress leaders that they are out to promote proper democracy. But mere intentions lead us nowhere. There must also be some machinery—not a machinery of which Shri Kamath said something—but some proper machinery which will be a sort of a purifying and purging machinery so that no reactionary, no toady, no leech, no capitalist can come in a party as the representative of the people who are starving and suffering. Therefore, I say that compulsory voting should form part of our system.

There are so many other things. I may refer to some of these provisions. We are trying to follow the British model. In certain respects, the original Act of 1951 made certain marked departures from the English practice. The tribunal which we have suggested by this particular amendment and which we are consuling is closer to the benificient provisions of the English Act of 1949. One Judge will try the petition. Some Judges and some friends have said to me that one Judge will be a dangerous thing when all our matters, social, political, etc. go to the Court and are judged by one Judge. There is an appeal provided against him.

Shri Tek Chand (Ambala-Simla) : To the Bench of two.

Shri S. S. More : Mr. Tek Chand is in the habit of addressing Benches but I am only in the habit of addressing some

small Chairs in a mofussil Court. Therefore, I have no experience of what he knows. My submission is that one Judge applying his mind may give us justice. If the parties are aggrieved the High Court will be there. We cannot go to the extent of saying that we cannot trust the decisions of any member of the judiciary. We have to accept them as they are.

Then, I come to the nominations. I have shown great appreciation for the Select Committee. Even the Election Commission was more revolutionary but for the Select Committee my suggestion is to be followed with caution and patience. What is the point in having a proposer? The Minister of Legal Affairs cited the instance of England. There are seconders besides proposers. He did not give us the origin of election. Time was when the representative going to the House of Commons had the design and desire to fight the tyranny of the King and was selected in public places by all the people congregating there and without any voting or anything of that sort. Britain though it has gone away from that stage, has still retained this antique feature. As you know, Sir, England is a museum of all antique features; though the kernel has gone, the shell has been preserved very carefully. Therefore, let us not follow England in its antiquated laws.

4 P.M.

He said, that if a candidate is returned uncontested it will mean that one man has sent him to the Parliament. What harm is there? Nowadays with money cheap and corruption easy, any person, even the worst person in India, can secure heaps of people to support his candidature. Does that mean, which he comes forward with a long line of supporters, proposers and nominations, that he is the choice of the country? No. The fact that nobody has stood against him shows that he is respected. People accept him tacitly as their proper representative who will fight with a proper voice and proper strength. The logic that my friend, the Law Minister, was adopting for convincing this House was of such a type that it will not be a current coin even in a students' class who are studying for their 5th class. I think he is under-estimating our logic. Are we so deliberate to say that when one man is there then all the retinue of democracy is satisfied? No. If a man offers himself and the country accepts him then only it is all right. What are we politicians? Are we not politicians by offering our services to the country? We are self-appointed leaders, many of us. No country has given a verdict supporting our leadership; all the same we talk about our own leadership. Let the people accept a man's candidature who proposes himself. Let the people say: "Yes, he is the man who will be our representative". Therefore, I feel that we must accept the suggestion of the Election Commission and even do away with the proposer.

I am prepared to go a step further. If you look to the decisions of the Tribunal you will find that many cases of improper acceptance or rejection turned up because the candidate's name was not in the voters' list. I am prepared to go to the extent of saying that our leaders are not bold. I was told by a very important friend from Bombay who is a member of the Assembly, that in the recent by-elections, when people resigned their seats to demonstrate their feelings about Bombay going to Maharashtra, a candidate who had resigned about a month back, when he went to offer his own nomination form to fill the seat which he himself had vacated, it was found by the latest electoral roll that his name was not there. His name was not there and he had to kick up a row to get himself again on the roll and submit valid nomination papers. I would say, if a man is qualified to be a voter and does not suffer from any disqualification, whether his name is there or not should not be made a condition precedent to the valid nomination, and there are countries where such a practice is adopted.

These are some of the remarks that I wanted to offer. I feel that when we reach the clause-by-clause consideration stage, the Government will be in suitable frame of mind to accept the reasonable suggestions that will be made not only from this side, but even from some of the Members on their own ranks.

सेठ अचल सिंह (जिला आगरा-पश्चिम) : यह चुनाव कानून जिसमें आज हमारे सामने संशोधन पेश है बहुत महत्व रखता है । यह कानून सन् १९५१ में पास किया गया था, उसके बाद हमारे देश में आम चुनाव हुए । उस समय हाउस आफ पीपिल्स (लोक-सभा) के लिए ४९७ सीट्स का और स्टेट असेम्बलीज

[सेठ अचल सिंह]

(राज्य विधान मण्डलों) के लिए ३२८३ सीट्स का चुनाव हुआ था । इनके अलावा हजारों दूसरे उम्मेदवारों ने अपने नामिनेशन पेपर दाखिल किये थे इस चुनाव में सत्रह करोड़ वोटर थे उनमें से नौ करोड़ वोटरों ने मत दिया था। हिन्दुस्तान में प्रजातंत्र के आने के बाद यह पहला आम चनाव था और इस चुनाव के लिए जो तरीका काम में लाया गया वह बहुत सफल रहा और दुनिया में इस बात की बहुत सराहना हुई कि हिन्दुस्तान में इतना बड़ा चुनाव बहुत खूबी और शान्ति के साथ हो गया। लेकिन फिर भी किसी भी कानून में कमियां कुछ न कुछ रह ही जाती हैं। जिस वक्त चुनाव हुआ था उस वक्त वे कमियां सामने आयी थीं और उन कमियों को दूर करने के लिए यह संशोधन बिल हमारे सामने लाया गया है । ज्वायंट सिलेक्ट कमेटी (संयुक्त प्रवर समिति) ने बिल में बड़ी मेहनत से जो सुधार किये हैं वे सराहनीय हैं । इस सम्बन्ध में मैं कुछ सुझाव देना चाहता हू ।

मेरा पहला सुझाव यह है कि नामिनेशन (नाम निर्देशन) के सम्बन्ध में कोई ज्यादा ऐतराज नहीं होना चाहिए । पिछले इलेक्शन्स के बाद ३३८ इलेक्शन पिटीशन्स (निर्वाचन याचिका) दाखिल की गयीं जिनमें से ११६ नामिनेशन पेपर के बारे में थीं और इनमें से ६४ नामिनेशन पेपर्स जो कि इनवेलिड (रद्द) करार दे दिये गये थे वे ठीक पाये गये । इस प्रकार उम्मेदवारों का काफी खर्चा और परेशानी हुई है । नामिनेशन का तरीका सरल होना चाहिए । जिसका नाम वोटर्स लिस्ट (मतदाता सूची) में हो और कोई कानूनी दिक्कत न हो उसका नामिनेशन पेपर स्वीकार किया जाना चाहिए ।

पहले कानून में विदड्रोअल (वापस लेने) के लिए एक महीना रखा गया है लेकिन कमीशन ने अब यह सिफारिश की गयी है कि वह समय २१ दिन कर दिया जाये। मेरा सुझाव है कि यह समय एक महीना ही रखा जाना चाहिये। इसके अलावा मैं तो यह सुझाव भी देना चाहता हूं कि जो उम्मेदवार इस मियाद के बाद भी अपना नाम वापस लेना चाहे उसे ऐसा करने की सुविधा दी जानी चाहिए। पिछला बाई-एलेक्शन जो अभी आगरे में हुआ उसमें विदड्रोअल के दूसरे दिन अपना पर्चा वापिस लेना चाहा पर अधिकारियों ने पर्चा वापिस लेने की अनुमति नहीं दी और उसका बेलोट बक्स रखा गया जिसके फलस्वरूप चार सौ वोट उसके डिबे में पड़े और खारिज हुए । इस नियम में सुधार की आवश्यकता है । इसलिए मेरा सुझाव है कि चुनाव शुरु होने के एक हफ्ते पहले तक यदि कोई उम्मेदवार अपना नाम वापस लेना चाहे तो उसके लिए इसमें प्रावीजन (व्यवस्था) होना चाहिए ।

इसके अलावा कहा गया है कि खर्चा बढ़ना चाहिए। लेकिन मेरा ख्याल है कि अगर सम्भव हो सके तो हमको चुनाव बगैर खर्चे के ही लड़ना चाहिए। अभी भी जो खर्चा होता है वह बहुत ज्यादा है । इसलिए यह जो खर्चा बढ़ाने की सिफारिश की गयी है इससे मैं सहमत नहीं हूं । जो लोक सभा और विधान सभा में अभी खर्चा २५,००० और ८,००० है वही काफी ज्यादा है । अगर और खर्चा बढ़ाया जायेगा तो इससे करप्शन (भ्रष्टाचार) फैलेगा ।

वैसे तो इलेक्शन मैन्युअल में लिखा है कि कोई सरकारी कर्मचारी इलेक्शन में सक्रिय हिस्सा नहीं ले सकता । केवल जो काम उसके सुपुर्द किया जाये वही उसको करना चाहिए । लेकिन अभी जो आगरे में बाई-इलेक्शन हुआ उसमें मैं ने देखा कि बहुत से सरकारी कर्मचारियों ने एक्टिव पार्ट लिया और केनवासिंग तक किया । इसके लिए काफी अहतियात बरतना चाहिए और खास हिदायतें दी जानी चाहिए कि कोई भी सरकारी कर्मचारी चुनावों में एक्टिव पार्ट (सक्रिय भाग) न ले सिर्फ अपना वोट का राइट एक्सरसाइज (अधिकार प्रयोग) करे ।

अभी जो आगरे में बाई-इलेक्शन (उप-निर्वाचन) हुआ उसमें वोटरों को लाने के लिए किराये की सवारियों का इस्तैमाल किया गया । इसके वास्ते भी कोई प्रावीजन रखना चाहिए ताकि यह प्रेक्टिस (प्रथा) न चल सके ।

अभी कायदा ऐसा है कि जिस दिन चुनाव हो उस दिन कोई प्रोपेगंडा आदि नहीं होना चाहिए। लेकिन मेरा सुझाव है कि चुनाव शुरू होने के २४ घंटे पहले से तमाम प्रोपेगंडा, लाउड स्पीकर आदि को बन्द कर देना चाहिए । ऐसा न करने से झगड़े की सम्भावना हो सकती है । अक्सर चुनाव कम्युनल लाइन्स (साम्प्रदायिक आधार) पर लड़े जाते हैं और उनमें काफी झगड़ा होने की सम्भावना रहती है । इसलिए मैं चाहूंगा कि चुनाव शुरू होने से २४ घंटे पहले से तमाम प्रोपेगंडा आदि बन्द कर दिया जाये ताकि काम शान्ति के साथ हो सके ।

गोकि हमारे यहां जो पिछले जनरल एलेक्शन्स हुए वे बहुत शान्तिपूर्ण हुए और जिनकी काफी सराहना संसार ने की है ।

एक बड़ी कमी जो हमें देखने में आती है, वह एलेक्टोरल रोल्स (निर्वाचन नामावलियां) के बारे में है । मिसाल के तौर पर बताऊं कि अभी हाल में आगरा में एक बाई-एलेक्शन हुआ । जेनरल एलेक्शन के समय उस कांस्टिट्एंसी (निर्वाचन क्षेत्र) में ८४००० वोट थे लेकिन अब बाई-एलेक्शन के समय एलेक्टोरल रोल सामने आया तो उसमें कुल ६४००० वोट रह गये । उसमें यह देखा गया कि बहुत से मुहल्ले ही छट गये जिन के लोगों के नाम एलेक्टोरल रोल में होने चाहिये थे । इसलिये मैं चाहूंगा कि गवर्नमेंट इस बात पर पूरा ध्यान दे कि बालिग लोगों के वोट कहीं न छट जायें । वैसे हर साल एलेक्टोरल रोल रिवाइज (पुनरीक्षित) होते हैं, लेकिन मैं समझता हूं कि वह ठीक से नहीं रिवाइज होते हैं और वह बेगार सी ट ल दी जाती है । इसी लिये जो एलेक्टोरल रोल बनते हैं उनमें हजारों नाम छट जाते हैं । मैं चाहूंगा कि भविष्य में इस बात पर पूरा ध्यान दिया जाये कि एलेक्टोरल रोल ठीक से और सही बनें ।

इस सम्बन्ध में यही मेरे सुझाव हैं ।

Dr. Krishnaswamy : Mr. Deputy-Speaker, seldom has this House been called upon to exercise its mature and considered judgment on so basic a measure as the people's representation bill which has been introduced by my hon. friend the Minister of Legal Affairs. The Representation of the People Act which we seek to amend is an Act of basic importance for our democracy, and it is but right and proper that at the outset I should pay a tribute to the Members of the Select Committee for having devoted so much time to the many difficult problems of representation and free and fair elections. Pandit Thakur Das Bhargava, the Chairman of the Select Committee, deserves a special need of tribute for the painstaking manner in which he has gone into the various provisions. If nevertheless I am critical of some of the provisions of this Bill, it must not be construed as a reflection on the various distinguished persons who served on the Select Committee.

Let me dispose, at the outset, of an incidental matter relating to the valid requirements of nomination.

Mr. Deputy-Speaker : If they get that tribute they will be prepared for the next step also!

Dr. Krishnaswami : I was suggesting that in the normal circumstances one would expect to agree with the recommendations of a Committee which consisted of such eminent persons; one would perhaps hesitate to criticise the recommendations made. But since this bill consist of controversial clauses on important matters, I have necessarily to make clear my views and I hope that my expression of different opinions will not be construed as casting a reflection either on the ability or on the capacity or on the integrity of the Members of the Select Committee.

I should like to refer to a matter of importance which has bulked large in this morning's discussion. My hon. friend Shri S. S. More referred to the valid requirements of nomination and the change recommended by the Select Committee that in future no candidate need have a seconder. This proposal is based on the apparent need for simplification. But I ask this House: is it really simplification to dispense with seconder? Even for having Mr. Speaker elected to the Chair, we have a proposer and a seconder. We did right in omitting eight assentors as in the United Kingdom law but I do not find any valid or logical reason for dispensing with the seconder altogether. If there is a proposer there should be a seconder, the reason being that a candidate has at least more than one person to sponsor his candidature. But if we wish to simplify further I suggest to the House that we should give up the idea of having a proposer and a candidate should be entitled to sponsor himself for election.

But there are other and important matters where I have to join issue with the Select Committee. The modifications relating to election expenses and the submission of accounts suggested by the Select Committee are revolutionary. I must confess that I perused them with astonishment. If these modifications are adopted, then the very basis of free and fair elections will have been undermined and democracy would have been reduced to a mockery. What is the object of fixing a ceiling on election expenses? The object presumably is to give all candidates an equal opportunity to woo the electorate. But today what do we find? The Select Committee has proposed an important change, a change which has been glossed over even by my friend Shri N. C. Chatterjee who made a detailed reference to that clause. The impor-

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tant change proposed is to fix dates between which the maximum expenditure can be incurred. The dates are, between the date of publication of the notification calling the constituency to elect a representative and the date of declaration of the result thereof, both dates being inclusive. Such a limitation would defeat the very purpose for which a ceiling on expenses was fixed. For, it would lead to expenses being incurred and payments being made anterior to the date fixed and thus give those who have resources and who are earlier in the field an opportunity to reap the harvest of an expenditure incurred in excess of the ceiling fixed. This would be discountenanced in all democratic countries, and in the United Kingdom no definite provision has been laid down as to the time when expenses can be calculated. Each case is judged, as legal authorities have pointed out there, on its own facts and on its merits. On this matter, Parker has crystallised the reasons for the rule in language which is worth quoting. Parker says:

> "No definition and no definite rule can be laid down as to the time when an election begins; each case must be considered with respect to its own facts. The legislature has not fixed any definite period, and it is not for the judges to attempt to lay down a general definition which the legislature has carefully avoided doing. It would have been very simple to have used words which would have limited the scope of the section, *e.g.* to expenses incurred subsequent to the dissolution of Parliament, or the issue of the writ;"

Which is what we are doing.

> "but such a limitation would have defeated the object of the section, as it would have led to expenses being incurred, and perhaps paid, before the dissolution or issue of the writ in order to reap the benefit of an expenditure in excess of the maximum prescribed by the statue."

Now, according to the existing law on elections the candidate is required to give an account of expenses incurred from the time he "holds himself out" as a prospective candidate. The election agent is asked to give an account of the expenses from the time he is appointed. Those third parties which spend once he holds himself out as a candidate on his behalf are accountable as agents of the candidate.

Here, let me refer to party organisations to which detailed references have been made by many hon. members. Party organisations, when they spend, fall within the category of third parties. This is the law in all democratic countries. The expenses incurred have to be shown. There is no way of their evading this responsibility. Whatever amounts party organisations spend are exempted only until the candidate is chosen. The moment he is chosen, if a party incurs expenditure, then undoubtedly the candidate will have to submit the expenses incurred by the party on his behalf. On this matter also, Parker has explained lucidly the law, and I would like my hon. friends to pay some attention to what he says on this matter, as it goes to the very root of free and fair elections in a democracy. Parker points out as follows:

> "It has been said that it is a wise plan, as soon as its candidate has been selected, for political association to suspend its operations until after the election is over; if, instead of taking this wise and prudent course, the association continues its operations, the time must come when it must ally itself to the candidate whom it supposes will best further its purposes and is best fitted to protect and advocate in parliament its views; and from that time, if the action of the association is recognised by the candidate, he becomes responsible for the acts of the executive committee, so long as he chooses to acquiesce in their endeavours to support him and to procure his election; and if he adopts and utilises for meetings and other election purposes the existing organisation of an association, the latter will be his agents, and expenses incurred by them for such purposes will be part of the election expenses of the candidate".

That is the law in England and this has been laid down in 1911 in the East Cork case. I ask the members of the Select Committee with great respect, why has the principle of ceiling on expenses been given up? If such exemptions are to be given, why recognise the need for a ceiling on expenses at all? Furthermore, the scales have been tilted in favour of parties who are to be recognised by the Election Commission.

Pandit Thakur Das Bhargava : Where has this ceiling been given up ?

Dr. Krishnaswami : I said it has been up indirectly by these methods and also by fixing the dates between which expenses can be incurred. Furthermore, the scales have been tilted in favour of parties recognised by the Election Commission. The Election Commissioner is a great authority. I have great respect for the Election Commissioner; I know he has sublime virtues and I realise he has produced painstaking volumes on how to conduct elections. But I want to point out to this House that the Election Commissioner is not the proper authority to determine which parties should be recognised. Further more there are no principles laid down for granting recognition to a party. The Election Commissioner is the sole judge, even as he is the sole judge for granting recognition to symbols. One can agree that the granting of symbols should lie with him that is a relatively trivial matter—but when it is a question of parties being recognised and being given freedom to indulge in expenditure, where even the sky is not the limit, it is a serious matter. I wonder what the duty of the Election Commissioner is in this respect. Why is it that the Election Commissioner is given this power? What are his credentials to pronounce whether a particular party should be rocognised or not. "Wha's Hecuba to him or he to Hecuba that he should weep for her? What would he do." I, feel that the House should definitely set its face against giving this concession to recognised parties and should delete the entire clause. This would be proper; this would facilitate the growth of democracy; this would ensure free and fair elections, which it is the objective of all of us irrespective of the party to which we belong to ensure, and to which I trust and hope we will not pay lip homage, but be loyal in thought and deed.

[PANDIT THAKUR DAS BHARGAVA *in the Chair*]

The other change that has been done on which I am not able to see eye to eye with my friends is the major modification that has been sought to be effected by doing away with the distinction between major and minor corrupt practices and illegal offences. What was the basis of the original distinction? When a corrupt practice is committed either by a candidate or the election agent or by any person with the connivance of the candidate or the agent, it was considered to be of much graver import and termed "major corrupt practice" and consequently special penalties were attached to it. When, however, a corrupt practice was indulged in by a person who does not fall in any of these categories, it was held to be a minor corrupt practice and the penalties attached to it were not so severe. Illegal practices were however contraventions of law without any corrupt motive and that is the genesis of section 199 of the existing law. The Select Committee no doubt, has done a valuable service by removing some of those items which were in the list of major corrupt practices from the category of offenses. I have never been able to understand the need for having a ceiling on the number of people that should be employed in an election campaign. It is an unworkable proposition, it is impracticable and it has led to a great deal of circumvention. All this is true but this cannot justify our doing away with the distinction between major corrupt practices and minor corrupt practices? If we examine the new section, we will find that the word used is not "connivance" but "consent". "Consent" is nowhere defined. I think there can be a legal argument over this particular section. There will be legal argument whether consent is "tacit" or "Express". The point I wish to bring to the notice of the House is that in the original act a minor corrupt practice unless it materially affected the election, result did not affect the successful candidate. My hon. friend, Mr. Chatterjee, this morning referred to section 124(5) which refers to minor corrupt practices. The Select Committee in its anxiety to simplify procedure, emptied the bath-tub with the baby. In the old law, section 124 (5) reads as follows:

> "The systematic appeal to vote or refrain from voting on grounds of caste, race, community or religion or the use of, or appeal to, religious and national Symbols, such as the national flag and the national emblem. for the furtherance of the prospects of a candidate's election."

The basic distinction, as we all know between major and minor corrupt practices is that in the case of minor corrupt practices unless they materially affect the election result the candidate's election is not set aside. But here since we have done away with that distinction and since we have chosen to lump all offences in one category, any individual can run the serious danger of losing his seat if it proved that a corrupt practice has been committed. I should like to invite the

[Dr. Krishnaswami]

attention of the House also to the wording of the corrupt practices provision. In the old clause, it was different. The new section 123(3) reads as follows:

> "The systematic appeal by a candidate or his agent or by any other person, to vote or refrain from voting on grounds of caste, race, community or religion or the use of, or appeal to, religious symbols or the use of, or appeal to, national symbols, such as the national flag or the natinoal emblem for the furtherance of the prospects of that candidate's election."

This is a corrupt practice. This would mean that even if it did not materially affect the election, the candidate who is affected, would automatically lose his seat. I am all against encouraging people to appeal on narrow grounds, but I should like to ask the Select Committee and the House whether it considers it proper that we should put it so widely as to suggest that if any other person who is capable of disqualifying the successful candidate comes into the constituency, and indulge in the practice the candidate should lose his seat. I want the House and the eminent Members of that Select Committee to give some thought to this matter to find out whether it would not be better to revert to the old distinction between major and minor corrupt parctices.

I am not suggesting for a moment that important modifications have not been made. I am fully in agreement with the modification that has been suggested in Section (70). There ought to be, a greater simplification of our electoral law. The old law passed at the instance of Dr. Ambedkar,—was a cumbersome instrument of torture. But I should like to point out that in our passion for simplicity, we should not sacrifice free and fair elections. Even if the law is a bit complex, it is better to have it so provided it promotes free and fair elections.

We are at one of the turning points of our destiny. If democracy is to survive, we ought to take care, every one of us, irrespective of the party to which we belong, to see that proper traditions are built up, that the electoral law is framed in such a manner that all are given equal opportunities to contest that independents, that men with small means, men who are making headway against the tides and gusts of opinion, have an equal opportunity, to make their voices heard, are able to woo the people and are able to be present here in Parliament, to represent their views and held to mould the country's destiny to better purposes and higher standards of endeavour.

श्री भक्त दर्शन (जिला गढ़वाल-पूर्व व जिला मुरादाबाद-उत्तर-पूर्व): आदरणीय सभापति महोदय, मैं अपने उन मित्रों का हार्दिक समर्थन करता हूं जिन्होंने कि प्रवर समिति से इस विधेयक के वापिस आने के बाद इसका समर्थन किया है और यह बताया कि इसमें बहुत से आवश्यक और उचित संशोधन कर दिये गये हैं। मैं आपको विशेष तौर से इस प्रवर समिति का सभापति होने के नाते जिस विद्वता और योग्यता से आपने इसमें संशोधन कराये हैं, बधाई देता हूं।

इतना होने पर भी कुछ बातें हैं जिनकी ओर मैं इस सदन का ध्यान दिलाना चाहता हूं। जब इस विधेयक पर पहले विचार किया जा रहा था तब मैंने यह सुझाव दिया था कि चुनाव-सम्बन्धी कानून को दो अलग अलग भागों में बनाने के बजाय एक ही भाग में बनाया जाये। इसको दो भागों में रख कर बाज दफा भ्रम और असुविधा होती है। उस समय हमारे विधि मंत्री जी ने यह स्वीकार किया था और कहा था कि जहां तक सम्भव होगा इस बात का प्रयत्न किया जायेगा कि इन दोनों विधेयकों को एक ही विधेयक के रूप में उपलब्ध किया जाये। लेकिन मुझे पता नहीं कि वे कौन सी कठिनाइयां थीं जिनके कारण वे इस उद्देश्य में सफल नहीं हो पाये हैं। मैं समझता हूं कि अब इसे वह रूप देना तो सम्भव नहीं है, लेकिन इतना जरूर किया जा सकता है कि जब यह विधेयक अधिनियम का रूप धारण कर ले, जब यह कानून बन जाये तब इन दोनों अधिनियमों को और इसके सम्बन्ध में जितने भी और नियम हैं, उनको एक ही जिल्द में, एक ही वाल्यूम में, छपा कर प्रकाशित किया जाये। अभी हमारे प्रो० मुकर्जी साहब ने यह कहा कि हमारे यहां जो इलेक्शन कोड (निर्वाचन संहिता) है, वह एक ही प्रकार का होना चाहिये, मैं समझता हूं, इस प्रकार ऐसा किया जा सकता है।

मैं यहां पर किसी वकील की हैसियत से तो नहीं, बल्कि इस देश के एक सतर्क नागरिक की हैसियत से कुछ थोड़े से व्यावहारिक सुझाव देना चाहता हूं। मेरे कुछ मित्रों ने कहा और

बहुतों ने तो मतभेद की टिप्पणियां भी दी हैं, और उन्होंने इस बात पर जोर दिया है कि जब कि समर्थक का नाम इसमें से हटाया जा रहा है तो प्रस्तावक का यानी प्रोपोजर का नाम भी हटा दिया जाना चाहिये । मैं उन व्यक्तियों में से हूं जो यह समझते हैं कि कम से कम प्रस्तावक का यहां पर रखा जाना बहुत ही आवश्यक है । मुझे इस अवसर पर डा० भगवान दास का नाम स्मरण हो आता है जिन्हें कि अभी हाल में ही "भारत-रत्न" की उपाधि से विभूषित किया गया है । कई वर्ष पूर्व जब उन्हें तात्कालिक भारतीय केन्द्रीय संसद् के लिये खड़ा किया गया था तो कांग्रेस पार्टी पर उन्होंने यह शर्त लगा दी थी कि वह किसी भी हालत में न तो कोई इलेक्शन मैनिफेस्टो (निर्वाचन घोषणा पत्र) जारी करेंगे और न ही अपने बारे में कोई प्रचार करेंगे । अगर इसी भावना से जो लोग इलेक्शन के लिये खड़ा होना चाहते हैं वे वास्तव में जनता की सेवा करें तो मुझे पूरा विश्वास है कि जनता भी उनका समर्थन करेगी । मैं तो समझता हूं कि यदि ऐसा हो तो यह एक आदर्श स्थिति हो सकती है; लेकिन मैं नहीं समझता कि यह किसी प्रकार से इस कानून के अन्दर लाया जा सकता है कि जो भी व्यक्ति खड़ा होना चाहता हो उसके बारे में जनता अपनी सम्मति दे और यह बताये कि फलां व्यक्ति ने हमारी सबसे अधिक सेवा की है और उसे हमारा विश्वास प्राप्त है, इसलिये उसको ही हमारी ओर से खड़ा हो कर हमारा प्रतिनिधित्व करना चाहिये । लेकिन यह एक कठिन बात है । इस वास्ते मैं यह चाहता हूं कि कम से कम प्रस्तावक को तो अवश्य रखा जाय क्योंकि यदि स्वयं उम्मेदवार अपना प्रस्तावक होता है तो यह कोई बहुत अच्छा मालूम नहीं देता है और यह ठीक नहीं लगता है कि वह स्वयं जा करके इलेक्शन आफिसर को यह कहे कि मैं खड़ा होना चाहता हूं और मेरा नाम स्वीकार कर लिया जाये ।

[MR. DEPUTY-SPEAKER *in the Chair*]

दूसरी बात जो मैं कहना चाहता हूं वह धारा १३ के बारे में है । चुनाव कमीशन ने जो यह सिफारिश की है कि चुनाव के कार्यक्रम में कुछ कमी लायी जाये तथा उसके समय में कुछ कमी होनी चाहिये इसका मैं समर्थन करता हूं । मूल विधेयक में जो ४५ दिन की अवधि थी, जिसको कि प्रवर समिति ने ३० दिन कर दिया है, इसके पीछे जो मूल भावना है, उसका मैं आदर करता हूं । लेकिन इसमें बहुत सी व्यावहारिक कठिनाइयां हैं । नामिनेशन पेपर को वापस लेने के बाद कम से कम २० दिन का समय इलैक्शन होने का इसमें रखा गया है । श्री मुकर्जी ने इसकी चर्चा अपनी मतभेद की टिप्पणी में की है और आज अपने भाषण में भी इसका जिक्र किया है और कहा है कि इसमें बहुत सी कठिनाइयां हैं । मैं आपको अपने निर्वाचन-क्षेत्र की ही बात बतलाता हूं । मेरा निर्वाचन-क्षेत्र जहां एक ओर मैदानों तक फैला हुआ है वहां दूसरी ओर हिमालय की चोटियों को छूता है । अब आप ही बताइये कि क्या २० दिन के अन्दर यह सम्भव हो सकता है किसी उम्मेदवार के लिये कि वह अपने निर्वाचन क्षेत्र के कोने-कोने में जा करके वातावरण को अपने अनुकूल कर सके तथा अपने पक्ष में प्रचार कर सके । पिछले चुनाव के अवसर पर मेरे निर्वाचन-क्षेत्र के अन्दर २५२ पोलिंग स्टेशन (मतदान स्थान) थे और तीन महीने लगातार दौड़-धूप करने पर भी बड़ी कठिनाई के बाद मैं लगभग एक सौ पोलिंग स्टेशंस तक ही जा सका ।

मैं समझता हूं कि पहले विधेयक में जो व्यवस्था थी कि कम से कम ३० दिन का समय रखा जाये, उसी को यहां पर रखा जाना चाहिये। यदि यह सम्भव नहीं है तो मैं चाहता हूं कि हमारे विधि मंत्री कम से कम यह आश्वासन दें कि चुनाव कमीशन को इस प्रकार की हिदायत दे दी जायेगी कि कम से कम पहाड़ी इलाकों के लिये तथा रेगिस्तानी इलाकों के लिये, जैसे कि राजस्थान में हैं, तथा आसाम के जंगलों इत्यादि के लिये कम से कम एक महीने या डेढ़ महीने से कम का समय नहीं दिया जायेगा । मेरे विचार में जो असली आन्दोलन होता है वह उस दिन से शुरू नहीं होता है जिस दिन कि नामिनेशन पेपर दाखिल किये जाते हैं बल्कि उस दिन से शुरू होता है जिस दिन कि उन्हें वापस ले लिया जाता है । उसी समय वास्तविक स्थिति का पता चलता है और तभी जेनरल प्रौपेगैंडा (आम प्रचार) शुरू किया जाता है । असली चुनाव का संघर्ष एक तरह से २० या ३० दिन पहले ही शुरू होता है । इसलिये मेरा विनम्र निवेदन है कि इस समय को कम से कम ३० दिन का ही रखा जाये जैसा कि मूल विधेयक में था ।

[श्री भक्त दर्शन]

तीसरी बात जो मैं कहना चाहता हूं वह धारा ३२ के बारे में है। जिस समय इस विधेयक को प्रवर समिति के सुपुर्द करने के प्रस्ताव पर विचार हो रहा था उस समय हम लोगों ने यह कहा था कि यदि एक निश्चित अवधि के बाद भी कोई उम्मेदवार अपना नाम वापस ले-ले तो फिर जो मत-पेटिकायें चुनाव स्टेशन तक पहुंच जाती हैं उनको भी वहां पर न रखा जाये। मैं आपको बतलाना चाहता हूं कि हमारे जो वोटर्स (मतदाता) हैं वे इंगलैंड के वोटर्स की तरह से बुद्धिमान या समझदार नहीं हैं और वे नहीं जानते हैं कि किस मत-पेटिका में उन्हें अपने वोट डालने चाहिएं। मैं आपको बताऊं कि एक उम्मेदवार, जिसने कि अपना नाम वापस ले लिया था, उसकी मत-पेटिका के अन्दर भी ४,००० वोट पाये गये थे। उस समय यह कहा गया था कि क्योंकि यह चीज उस एक्ट के अन्दर है इस वास्ते चाहे उस उम्मेदवार ने अपना नाम वापस भी ले लिया है लेकिन फिर भी उसकी मत-पेटिका अवश्य रखी जायेगी। अब यह जो विधेयक यहां पर रखा गया है इसमें कहा गया है कि अगर १० दिन पहले कोई उम्मेदवार अपना नाम वापस ले ले तब जाकर उसकी पेटी वहां पर नहीं रखी जायेगी। मेरी सम्मत्ति में यह जो १० दिन का समय रखा गया है यह बहुत अधिक रखा गया है। मैदानों में तो यह सम्भव है कि रिटर्निंग आफिसर तीन दिन पहले अपने पोलिंग आफिसरों को या प्रिजाइडिंग अफसरों को सूचना दे सकते हैं कि मत-पेटिका न रखी जाये और पहाड़ी इलाकों के लिये भी पांच दिन में सूचना पहुंच सकती है, इसलिये दस दिन के समय का रखना आवश्यक नहीं है। इस वास्ते मैं चाहता हूं इस पर भी विचार कर लिया जाये।

अन्तिम बात जो मैं कहना चाहता हूं वह यह है कि अभी तक जो मत-गणना की व्यवस्था थी वह बड़ी असन्तोषजनक थी। जैसा कि श्री अशोक मेहता जी ने कहा और मैं उनसे इस बारे में सहमत हूं, कि चुनाव सम्बन्धी मत-गणना वोटिंग हो जाने के १०-१० और १५-१५ दिन बाद होती है और इससे गड़बड़ी होने की आशंका रहती है। मैं भी यह चाहता हूं कि यह काम जल्दी होना चाहिये। वे दिन ऐसे होते हैं कि उम्मेदवारों को नींद नही आती और उनको सदा ही इस बात की चिन्ता रहती है कि पता नहीं कि उस जादू की पिटारी के अन्दर से क्या निकलने वाला है। उन दिनों उन का आराम खत्म हो जाता है और वे चाहते हैं कि उन्हें जल्दी से जल्दी परिणाम का पता चल जाये। मैं इस सम्बन्ध मै आपको एक सुझाव देना चाहता हूं और मैं समझता हूं वह व्यावहारिक है और उसको अमल में लाया जा सकता है। जो प्रिजाइडिंग आफिसर होता है, मैं समझता हूं उसको मैजिस्टीरियल पावर्स (दंडाधिकारी की शक्तियां) होती हैं फिर जब वोटिंग होता है, उस समय पुलिस वहां पर मौजूद होती है। उम्मेदवारों की ओर से उनके पोलिंग एजेंट भी वहां मौजूद होते हैं। मेरा सुझाव यह है कि मान लीजिये छः बजे वोटिंग समाप्त होता है, तो उसके बाद उसी समय एजेंटों इत्यादि को वहां पर बिठा कर मत-गणना की जा सकती है। इसका नतीजा यह होगा कि मत-पेटिकाओं को फिर हेडक्वार्टर्स तक भेजने में जो खर्चा होता है तथा जितना पुलिस का इंतिजाम करना पड़ता है। तथा दूसरी व्यवस्थायें करनी पड़ती हैं तथा जितनी चिन्तायें उम्मेदवारों के सिर पर सवार होती हैं वे सब समाप्त हो जायेंगी।

मैं आपको एक उदाहरण बतलाना चाहता हूं। हमारे जिले में पिछले दिनों एक इलेक्शन पेटिशन (निर्वाचन याचिका) हुई थी जो कि सफल नहीं हो पायी। वह इलेक्शन पेटिशन इस बात पर थी कि खच्चरों पर लाद कर जो मत-पेटिकायें हेडक्वार्टर्स तक पहुंचाई गई उस दौरान में उनमें से कुछ पर जो सिमबल (चिन्ह) था वह मिट गया।

अतः यह साबित करना मुश्किल हो गया कि कौन सी मत-पेटिका पर कौन सा चिन्ह लगा हुआ है।

श्री फीरोज गांधी (जिला प्रतापगढ़-पश्चिम व जिला रायबरेली-पूर्व) : चिन्ह तो अन्दर भी होता है।

श्री भक्त दर्शन : वह तो ठीक है, लेकिन फिर भी इस बारे में बहुत दिक्कत की गुंजायश है। उस चुनाव में सात-आठ सौ वोट का अन्तर पड़ रहा था और यह निर्णय करना कठिन था कि वे किस उम्मेदवार के हैं।

मैं सदन का अधिक समय न लेकर अपने विधि मंत्री महोदय और माननीय सदस्यों से यह निवेदन करना चाहता हूं कि इस विषय में व्यावहारिक दृष्टिकोण से विचार कर के गवर्नमेंट धारावार विचार के समय उचित संशोधनों के

प्रति कोई कड़ा रुख नहीं अपनाये, बल्कि इस सदन के बहुमत को दृष्टि में रख कर—अधिकतर माननीय सदस्यों की राय को देख कर उनसे सहमत होने की कृपा करे ।

Shri R. N. S. Deo (Kalahandi-Bolangir): The Bill has emerged from the Select Committee with many improvements and the Committee has simplified the procedure in many respects. I welcome these improvements. But the main criterion by which to judge the election law is to see how far it ensures that the party in power is prevented from misusing its power and securing for itself advantages over the Opposition candidates.

In the debate in September last on the motion for referring this Bill to the Select Committee I had drawn the attention of the House to some of the undesirable practices indulged in by Ministers and by the ruling party for which there is no remedy under the existing law—the same practice which come under corrupt and illegal practices. Of course, now it is proposed to do away with illegal practices. Whatever were considered to be illegal practices under the old law were not covered by any law immediately preceding the notification for election. This aspect of the question has not received any consideration at the hands of the Select Committee. At that time I had suggested that, as pointed out by the Law Minister on a previous occasion, it is not possible to provide for all things by law, but conventions have to grow up in many respects. I had suggested that a code of conduct for the Ministers during the period of elections should be drawn up. The Election Commission has also suggested that an election code should be drawn up at least one year before the next general election. Of course, it is not possible now to have an election code one year before the next general election, but I suggest that immediately after the present Bill is passed, the election code should be drawn up and along with it, a code of conduct for the Ministers should also be drawn up.

It has been our experience that the Ministers use State transport and the paraphernalia of their office and tour extensively in the constituencies where the election is taking place and thereby they wield undue influence to the disadvantage of the Opposition candidates. As has been pointed out, the convention in the United Kingdom is that even the Prime Minister uses his own transport—private transport—and his own chauffeur while going about on an electioneering campaign. That is a very salutary convention which ought to be copied in this country. Similarly I supported the suggestion that facilities for broadcasting over the A.I.R. should be made equally available to all parties during the election. These are matters which though not covered by the election law, ought to be provided for under conventions, under a code of conduct for Ministers etc.

In its desire for shortening the period of election, the Select Committee has reduced the period of the polling after the date of withdrawal of candidates to 20 days. I had pointed out on the last occasion that this period should not be unduly shortened because in a country like ours where communications are poor, transport facilities are lacking, and especially the double-Member Lok Sabha constituencies are as big or even bigger in some cases than a country like Holland, it becomes physically impossible for any candidate to contact all the polling booths in a double-Member constituency within the short period. Therefore, I support the suggestion which came from my hon. friend who preceded me that this period should not be kept so low.

Then, regarding this retention of the provision for a proposer for a valid nomination, on the last occasion also I had pointed out the meaninglessness of this provision, and I reiterate my objection to this retention. It is quite unconvincing. The arguments that the Minister of Legal Affairs put forth this morning were hair-splitting in nature and were not at all convincing. He gave the example of the law in the United Kingdom, in the U.S.A., Canada and other countries to justify the retention of the proposer for a valid nomination, and he also suggested that if a candidate is elected unopposed, then one proposer would validate that election as it would mean that he had received the support or the vote of at least one voter. But this is not at all a convincing argument. After all, how does one vote matter? On the contrary, if a person stands as a candidate, he has himself the right to vote, and it is expected that he will cast his own vote for himself. So, even if you take it that he has been elected on his

[Shri R. N. S. Deo]

own vote, how does it affect the procedure? Therefore, there is no valid argument against doing away with the proposer. This had been suggested even by the Election Commission. I suggest that this question should be reviewed.

With regard to the maintaining of accounts of election expenses by candidates and the lodging of returns, much had been said last time and I had also on that occasion supported the view that the present system of insisting on candidates maintaining accounts and lodging returns did not serve any useful purpose. We should be honest to admit that the law on this subject is not capable of being strictly followed or fulfilled, and that most people are either intentionally or unintentionally guilty of a breach of the law. Therefore, it would be honest on our part to do away with this system altogether. But in case you still maintain this provision, it becomes absolutely illogical and meaningless, if you exempt the party expenses from being included in the expenses of the respective candidates. If the intention is that money should not be allowed to vitiate or to unduly influence elections, then money is as much an objection against parties as against individuals. It is our experience that the party in power has spent huge sums in the previous elections as well as in the bye-elections. Then, it is also a fact that in the hope of getting concessions, licences, permits, leases and various other things, a lot of individual businessmen, firms and companies come to the aid of the ruling party at the time of the elections with vehicles, men and money.

So, if you wish to retain this provision in regard to the maintaining of accounts and the lodging of returns, it would be fair to insist that all direct and indirect expenses incurred in furtherance of the prospects of a candidate either by his own party or by others should be included, and in the case of constituencies where more than one candidate is set up by one party, some rules should be framed for allocation of those expenses as between the various candidates. That would be a desirable way of bringing all expenses to account. Otherwise, if you do away with party expenses from being included in the candidate's expenses, then there would be advantage for the ruling party, and the other candidates would be put to great disadvantage.

The provision in regard to recognised party is also difficult to understand. It is discriminatory. If you at all have such a provision, it should be equally applicable to all parties. Of course, I am in favour of doing away with these expenses altogether, because otherwise, also, you are going to discrimiate against the independent candidates. But if you still have it then to have a lesser evil, I would suggest that there should be no question of recognised party or unrecognised party. It should be equally applicable to all the parties.

Pandit Thakur Das Bhargava: In the first place, I would like to thank all the hon. Members who were kind enough to say good things about me. I feel that I do not deserve them, but all the same, out of kindness, they have said so, and I thank them all.

The truth is that if this Bill has emerged from the Select Committee in an improved form, the credit goes to all the Members of the Select Committee, who have done their very best, and co-operated with me. At the same time, simply because the Mover of the Bill is an hon. Minister, I would not be right in not paying my meed of praise to his efforts in this direction. He was very helpful. If there was a suggestion, he unreservedly expressed his view and tried to persuade us to accept his point of view, but if the Select Committee had a better point of view, he accepted that point of view, and similarly, when I am submitting on the merits of what the Select Committee did, I cannot mention the fact that Shri Sundaram with his vast knowledge was of very great help to us.

So far as the report of the Select Committee is concerned, I do realise that the election law has been simplified to a certain extent, but at the same time, there were differences among the Members of the Select Committee, and we decided contention matters by the votes of the majority. After all, it was a small house there; the votes of the House here will really determine those questions. In the Select Committee, it is true that Members are not bound by party affiliations, and they give their opinion independently, whereas in the House perhaps, Members are bound by party affiliations also, and therefore, they may not be able to give their votes in the same manner. But I realise that

in a matter of this kind, there is no question of any party affiliations at all. The entire House is in favour of having a law which will best serve our interests. I think that in a matter of this moment, all the Members should lose sight of the fact which party they belong to, and should give their votes independently.

It is quite true that we have earned a name in the world for holding the last general elections. It is said that the number of voters was something like 18 crores, and perhaps in the whole of the world, such a large democracy as ours is not to be found anywhere. If we can acquit ourselves better this time, we shall get better credit from the world, and at the same time, our democracy also will grow stronger.

Like Shri Kamath, I have also got some experience of elections. All my life, I have fought elections. I have fought about four or five elections, so far as the Central Legislative Assembly and this House alone are concerned.

Dr. Lanka Sundaram : Every time successful.

Shri Achuthan (Cragannur): How many times have you fought?

Pandit Thakur Das Bhargava : I have stood at least four or five times.

Pandit K. C. Sharma : Otherwise too, he was busy with elections.

Pandit Thakur Das Bhargava : It is quite right that otherwise too, I was busy with elections.

5 P.M.

My uncle was a Member of this House. I fought for his election also. I fought the Assembly elections also. My uncle was a Member for a good length of time of the Punjab Assembly. I am saying all this because I do realise that as a matter of fact, unless the elections are fair, and so far as the Government are concerned, they adopt an attitude of impartiality, they cannot give satisfaction to all the parties and all the interests concerned.

Now, we have heard complaints here about Ministers, money and machinery. This is not the first time that complaints have been made against our Ministers. So far as the good name of our Party is concerned, I would like every Minister to go wherever he likes and fight for elections, because he can certainly address those meetings, but he should use his own petrol and his own car.

Pandit K. C. Sharma (Meerut Distt. —South) : All the Ministers have their own cars?

An Hon. Member : Who said that?

Pandit Thakur Das Bhargava : I know that some Ministers went about in my constituency last time. Other members also went there. I can assure the House that so far as my constituency was concerned, absolutely no complaint was made by any person, and no such thing was done as could be the basis of a complaint on behalf of any other person. I do not know much about other constituencies. At the same time, I am anxious that such complaints, though they may be of minor nature, must be avoided. After all, it is not the going of the Ministers this way or that way that would affect the elections. The successful result of a candidate in an election depends mainly on the support of the electorate to party to which the candidate belongs. At the same time, the persons whom we choose should be good persons. I agree with Shri S. S. More in this regard. Last time during the general elections, the parties in the country did not do well from the point of view. In the Congress, the largest party, there was some *golmal* so far as the choice of candidates was concerned. I am perfectly sure this time the choice will be much better and that those criteria which have been suggested by Shri S. S. More will be adopted and accepted by the Party.

All this democracy is meaningless if the persons whom we return here are not free, independent and honest people. The prosperity of our people and the success of all the schemes that we have in view, all depend on whether our elections are free and fair. Therefore, I set store by free elections and I believe that in the coming elections people will give more credit to the Party in power, that it has behaved rightly.

Coming to the merits of the Bill, it appears to me that some of the provisions in this Bill have not been fully appreciated by hon. Members who directed their criticisms against them. I heard Shri Seshagiri Rao. He referred to article 326 of the Constitution. One has

[Pandit Thakur Das Bhargava]

to read that article and get convinced that it does not apply. It applies to eligibility of voters and there is no question of illegal practice so far as the voters are concerned. So far as the Constitution is concerned, it is not contravened by any of the provisions we have made.

His next objection was that civil courts could not exercise any authority in election matters. He is perfectly right, but even the District Judges or High Court Judges will be got appointed by the Election Commissioner, and they will be the Election Commissioner's Officers and not the civil courts'. That objection also is not right.

Shri Mulchand Dube and Dr. Krishnaswami raised objections in regard to the definition of bribery undue influence etc.—the words that we have used there. The words used are :

> "Bribery, that is to say, any gift, offer or promise by a candidate or agent or by any other person of any gratification....."

They have further referred to the other definition also. Their criticism was that if any other person did something, how could the candidate be held responsible. Their criticism is perfectly justified. But may I humbly refer them to section 100 which we have amended, that is clause 54? If they would kindly read section 100 as amended and section 123 as amended together, they will come to the conclusion that we have taken good care to see that no person might be enmeshed in the election petition or that the result of an election petition could not go against him unless and until he did something or his agent did something or something was done with his consent or connivance or will. This is the basis that we adopted. It is therefore that we amended the provision relating to illegal practices. The main difference between a major and minor corrupt practice is that so far as the minor corrupt practice is concerned, it is done by a person who is neither a candidate nor his election agent nor any agent. We have gone further and even changed the definition of 'agent'. Previously the definition of 'agent' was given in section 79. It was too wide. Now, we have changed the definition of 'agent' so far as clauses 100 and 123 are concerned. This is the basic principle which we have accepted. I humbly ask those who are not satisfied with it to read them again together and then if they are not satisfied, to attempt to see that we do the right thing here. I do not claim that everything that we did is infallible or right. It may be that we have made a mistake. But so far as I am concerned, we took good care to see that only such persons came within the mischief of the law as were really guilty.

Shri Venkataraman (Tanjore) : May I just put a question with the permission of the Chair? If it is not intended that a corrupt practice not done with the connivance of the candidate should not be a ground for invalidating the election, why should it be called a corrupt practice on the part of the candidate? That is the objection taken by Dr. Krishnaswami if I understood him aright. That is also the point which I wanted to make.

Shri Tek Chand : That is the point which I want to make.

Pandit Thakur Das Bhargava : What ever be the definition of clause 123, the operative clause is 100. Any person reading section 100 and section 123 would come to the conclusion that the election of no candidate will be declared void unless and until a charge is brought against him that any person has acted with his consent, connivance and orders in respect of a corrupt practice. Then the works 'sanction' etc. have been substituted by other words. The principle that we have accepted is this. So far as the decision on election petitions is concerned, it is governed by section 100. There we have seen to it that no person's acts will be brought into question or no person would be brought within the mischief of the section unless and until the acts can be proved to have emanated from him.

Shri Mulchand Dube (Farrukhabad Distt.—North) : Corrupt practice, as such is not made punishable. Then why should we include the words 'any other person' in the definition of the words 'corrupt practice'?

Pandit Thakur Das Bhargava : I was just submitting that the proof of the pudding is in the eating. Whatever the definition may be,—I am not concerned with the definition—the operative part is that no person will be held to be guilty and no petition shall be accepted against any person unless and until such acts

are proved against him. The definition will not be so effective. First of all, the thing must be proved according to section 100. But if the hon. Member finds that that is not satisfactory, he may just table an amendment, and the House will certainly accept it if it is convinced.

Shri Venkataraman : I have already given notice of an amendment.

Shri Mulchand Dube : I have also done it.

Pandit Thakur Das Bhargava : Coming to the question of election expenses, I have appended a note. May I humbly refer you to page 61 of the Report of the Select Committee? At one time, the Select Committee was on the point of accepting my point of view. It says :

> "As regards section 78, it was felt that although every contesting candidate should maintain an account of election expenses, it need not be lodged."

But, in case there is an election petition against any candidate, he should lodge the accounts if called upon to do so by the Election Commission. This is exactly the amendment which I have given notice of.

So far as the ceiling on election expenses is concerned, many persons are of this view that it is of no use. A rich man may spend Rs. 2 lakhs or Rs. 3 lakhs and yet go free. In this view of things, I do feel that a duty should be cast upon the candidate to keep a good account. We know that in the last elections, out of 29,000 candidates, there were election petitions brought against only 320, that is, one per cent. The House must remember that even if I put in my account of election expenses and show therein that I have exceeded the amount, there is no provision of law which can bring me to book. The Election Commission is given no power under this law to ask any person who has exceeded the limit, why he has done so. There is no power given anywhere except what is given to the Election Tribunal which will go into the question and decide. This becomes important only when there is an election petition. Otherwise, all this is waste paper. We are bound to put in the accounts in good time; and, if we do not put it, we incur disqualification. If we put them in the manner prescribed, then we are quite safe. My submission is that if the Government and the House are anxious that people should confine themselves within the limit, they should arm the Election Commission with powers to scrutinise the accounts and come to certain conclusions and then to proceed against the offending candidates. Merely asking persons to declare in a certain manner would not do. Many of us swear with mental reservations. What is the use of all this, if it is to be used only when an election petition is filed. As soon as an election petition is filed, the Election Commissioner shall call upon the other party to come forward and file his accounts. If he does not file the accounts within 7 days, he loses the election. When you cast a duty on a certain person that duty must be fully performed.

As pointed out by Shri Chatterjee today, after this is done what happens? The election expenses are there. Before an election petition is put in, a person goes through these, fishes the accounts and makes false allegations in his petition thinking that such and such an entry in the accounts will support his contention. It is not fair. In civil suits what happens is this. A person who comes forward with a suit comes out at once with all the allegations, without knowing the defence of the other party and without seeing any document of the other party. Therefore, it is not fair that a person before he files an election petition should be able to see the accounts of the other person. He should be able to bring all his allegation in his petition independently and without going through the records of the opposite party.

I have not got much time. Objections have been raised about parties etc. I do not think I will be able to satisfy those who have taken objection so far as recognised parties etc. are concerned. I am not concerned with what is happening in England. I want to see that in my own country things are done in a perfectly right and just manner.

Before the Select Committee was appointed, we had certain rules under section 125(1) and (2). We have not changed anything. It is entirely wrong to suggest that we have made any new rule, for recognised parties. A party is not recognised readily. It is for the Election Commissioner to recognise parties. After all he has to make some rules. It cannot

[Pandit Thakur Das Bhargava]

be his sweet will to recognise parties or not. So far as the present position is concerned, things are not very strict. I want that the rigid rules be made and stick to. They must be rules which must be followed by the Election Commissioner in every case. In future, the recognised parties will be only those which answer certain descriptions. We have not got ideal parties and ideal conditions here. Shri More and Shri Mukherjee said that everybody should be given money from the treasury. Shri More was stating something about minority votes and majority parties. I can understand all that. But the ideal conditions are not to be found in this world. How can all the parties be made equal? How can all persons be made equal? My humble submission is that under the circumstances that we have got, we have to do the best. I for one cannot understand that any recognised party will go to the extent of bringing people or casting under influence. After all, they are only there to create a particular atmosphere in which the people may think that this party will deliver the goods. Usually, money is not given for the personal use of the members or for hiring vehicles for the transport of the voters and so on. The Congress Party will never be a party to ask the people to engage vehicles for the purpose of taking the voters.

Shri Raghavachari : They did anyway.

Pandit Thakur Das Bhargava : I do not say that the Congress party is an ideal party. Somewhere, people who belong to the Congress may have committed such a thing, but as a party the Congress will not do such a thing. Those who have framed this law will not be a party to the excuses of bribery and undue influence (*Interruption*). Democracy works on the basis of parties. If you take away the basis of parties, where is the democracy? I cannot understand when persons say that the ideal conditions must be there, that parties must not remain there and that on the basis of service alone people must be returned to this House. The world as we find is different and we must try to our best to improve the situation in which we find ourselves placed. How can you create ideal conditions? I do not think it is possible to have a law like that.

So far as the question of nomination is concerned, in the Act of 1953, when it was referred to the Select Committee, we ensured that nomination was finalised before the parties went to the election. Now what have we done? Some persons have taken exception. Shri Mukherjee and others. What have we done? First of all, we have evolved certain rules by virtue of which at the time of nomination the procedure has become simple. We have made it clear that on the basis of a technical defect, no nomination will be rejected. Then again, we have taken away the seconder, and there is a proposal to take away the proposer also. It is a matter of opinion. After all, the Committee thought that there must be at least one person with the candidate who should be able to take the nomination paper to the authority. If a person wants to fight the election, he must be able to take his nomination paper to the returning officer unless he does it in every case by himself. At the same time a person may be ill or may be in some other place or in a foreign country; he may be at a place hundred miles away, and in that contingency at least one person should be able to do something for the candidate. It is not as if we are over-anxious that the proposer must be there or that the seconder must be there. If the Committee agreed to the exclusion of the seconder, what was the difficulty in excluding the proposer? But I say it is all a question of balancing of advantages and the Committee thought that the balance of advantage was there if we kept the proposer in.

Exception has been taken to the words "disloyalty to State" as also to section 7(b) and several other objections have also been raised. In regard to these things, my humble submission is this.

So far as the question of section 7(b) is concerned, I do feel myself that as a matter of fact, this needs amendment. In the first place, as soon as a person has served his imprisonment, according to the present civilised notions, he becomes a gentleman, and there is no reason to think that he will continue to be a criminal. At the same time, after all, the entire electorate is there and they will make their choice rightly. If they think that the man is bad, they will exercise their choice and not return him. All the same, I do not see why a mere imprisonment for two years or even more should disqualify a person. According to my view, the position is this. Even in the case of moral turpitude, it is very difficult to define it. We have

used these words in several Acts, but at the same time it is most difficult to define "moral turpitude". "Moral turpitude" will be a flexible term not capable of exact definition and will vary according to the proverbial foot of the chancellor in equity courts. Even if there is moral turpitude, what is its intensity, density and extent? It may differ. We cannot define it. At the same time, according to me, any person who offends the law, even if he does satyagraha, even if he does it for the good, if he offends the law, he may be an offender all the same. Therefore, the amendment sought to be made in respect of moral turpitude is more illusory and difficult to be enforced than the original provision. I would, therefore, respectfully ask the House to consider the question from this stand-point.

So far as election expenses are concerned, I would commend my suggestion. It will meet both the points. The liability will be there. People will not have to make a declaration which they consider to be false. A change in clause 7(c) will have to be made. Otherwise, the proposal will be fruitless. I have given notice of an amendment. Sir, I do not want to take up more time of the House as there are many other hon. members anxious to speak.

Shri Venkataraman : Sir, the Bill as it has emerged from the Select Committee has a number of valuable and useful features which are welcome to this House. In the first place, we feel that the reduction in the time between the notification and the holding of the election is very useful and salutary. People who have gone through the torment of elections would realise that the longer the time-lag, the greater is the opportunity for abuse and misuse. Therefore, it is good that it has been shortened even though it will be a hardship in the case of parliamentary constituencies. It is not possible within this short period to visit every place as the constituency now expects a candidate to do. Nevertheless in view of the fact that it would be a common handicap to all the members who are seeking election, I submit that no one would be particularly prejudiced. In the overall interest of a fair election, it is quite welcome.

The second point which I wanted to raise is about the nomination of the polling agents. It has had to be done three days before the date of the election. People who have gone through the elections have found it very irksome and sometimes very difficult to find suitable men to function as their polling agents. I congratulate the Select Committee on having appreciated the practical difficulty of the candidate and having amended that clause so as to allow the persons to nominate their polling agents on the date of polling.

The third point which is welcome is that only contesting candidates will be called upon to file their accounts. The candidates for the indirect elections—Council of States and the Legislative Councils—will not be called upon to file such statements. During the discussion of this Bill in the last Parliament, we felt that this was only a formality as the election expenses so far as the candidates for the Councils were concerned, would be probably next to nothing. It was only a formality to be gone through. This has been done away with. I am sure the House will welcome it.

The next point is the Election Tribunal. In the last Parliament, Pandit Bhargava was responsible for moving an amendment, that all cases in which the validity of the nomination is questioned should be decided then and there, so that, after going through the gamut of the election, it may not be set aside on the ground of proper or improper acceptance or rejection of the nomination paper. At that time it was argued by Dr. Ambedkar that even though you may declare by law that the decision of the District Judge or the authority you may constitute for the purpose of looking into the validity of acceptance or rejection of a nomination is final, still under the law as it prevails in India today, it would be subject to numerous other appeals and proceedings in courts of superior jurisdiction with the result that the actual elections would be held up.

Then, let us look at the practical difficulty. The acceptance or rejection of a nomination paper in a parliamentary constituency may be questioned and as election to Assembly and parliamentary constituencies are held simultaneously, the elections with regard to Assembly constituencies will have also to be postponed if a decision is pending before the authority to which it can be moved. The result would be that there would be no elections at the same time throughout the constituency and throughout the area in which the polling is to take place.

[Shri Venkataraman]

The disadvantages of having elections postponed in the middle by stay orders either of the Tribunal so constituted or by the superior courts would outweigh the possible advantages of having these questions determined at an intermediary stage. The Election Commission also considered this and its views tally with the one which is accepted in the Bill. This is what the Election Commission said :

> "There is every reason to apprehend that once such an appeal is provided for, too many interested persons will avail of the opportunity unscrupulously and the authority will be literally flooded with appeals of acceptance or rejections of nomination papers. This cannot but seriously upset all election time-tables in future."

Therefore, I venture to submit that this is really a sound decision that has been taken by the Select Committee.

Then, the Committee has simplified the corrupt and illegal practices—major corrupt practices, minor corrupt practices and illegal offences—into one chapter named "Corrupt Practices". When my friend Pandit Thakur Das Bhargava was speaking I pointed out to him that in the definition of 'corrupt practices' it is said that bribery or such other offences committed by a candidate or his agent or by any other person, shall be a corrupt practice. Now, that 'other person' who commits any one of these offences may be doing on his own. He may be hostile to the candidate and may even be an interested party set up by the rival candidate. The salutary provision in the existing law is that such 'other person' must be acting in connivance with the candidate or his agents. In the absence of that qualifying clause after the words "any other person", this clause would render any election very unsafe, because even without the connivance or even against the interests or wishes of the candidate or his agent concerned, some third party may spoil an election by committing offences. It was pointed out by my friend Pandit Thakur Das Bhargava that in clause 54 such an election will not be held invalid unless such 'other person' has acted with the consent of the returned candidate or his election agent. I fail to understand why a 'corrupt practice' should include offences committed by a pesron without the consent or connivance of the candidate or his agent. In the definition we make it wide enough to cover offences committed by persons who are in no way connected with the candidate, but restrict it only when we come to the question of setting aside elections. In my view it is necessary that the definition of 'corrupt practices' is the proper place where the qualifying clause saying that any offence committed by any other person should be so done either with the consent or connivance of the candidate or his agent, should be added. Otherwise, the definition of corrupt practice will be too wide and may lead to contradictory decision by courts. I have submitted an amendment and I trust that when the clause is taken up it will be considered.

One other change which has been made by the Select Committee with which I do not agree, relates to the holding of meetings on the date of the polling. At present no meetings can be held on the date on which polling takes place in the constituency. Now, the amendment in clause 66 allows meetings to be held in other places in the constituency except in the polling areas. I consider that this is a harmful amendment. During the progress of the election, the tempo increases. Then, as the election date comes nearer, the strain on law and order becomes greater and greater. On the date of the polling, the entire resources of the State by way of personnel dealing with law and order would be concentrated at the polling stations. If meetings are allowed to be held in the other parts of the constituency, there may be clashes and if a clash occurs and remours of such clashes spread, it will spoil the election. It is, therefore, necessary to stick to the present rule and not allow any changes.

So far as the holding of meetings on the date of the election is concerned, this is a handicap which will be applicable to all the candidates. If the candidate is not able to convince the voters in his constituency right up to the date of polling, I do not think he is going to do much on the date polling. The Election Commission also considered this and its views are worth quoting here. It says :

> "Special precautions were also taken in respect of many likely trouble spots. The law prohibits public meetings on any polling

date and canvassing near polling stations. These provisions have proved very salutary".

After discussing the strain on the local Government with regard to giving protection and also preserving law and order on the date of polling, they came to the conclusion that the present rule is very satisfactory. I would, therefore, oppose any such change.

Then my friend Shri S. S. More argued elaborately with regard to the compulsory voting. This was a point which I myself raised in the last Parliament. The arguments which Dr. Ambedkar then gave are true even now as they were on that day. This is what Dr. Ambedkar said then :

> "The second point to which I wish to refer is the point raised by Shri Venkataraman. He has said that in this Bill voting is regarded as a right. His contention was that it should be regarded as a duty."

After explaining it, the then Law Minister said :

> "The fine, in order to enforce such compulsory voting, will have to be heavy. It shall have to be something like Rs. 100. Now, I wonder whether anybody in this House, however enthusiastic he may be, with regard to this point, would be prepared to support a punishment so heavy as Rs. 100."

Then he pointed out that the fine in Australia for non-voting is five pounds. So, it really comes to this : that the difficulty of enforcement of compulsory voting would be far greater than the advantages of having compulsory voting.

At the time when I made the suggestion that there should be compulsory voting, we were embarking on a new experiment, and we were wondering whether the response of the public would be good enough and whether voting would be sufficiently strong. Those doubts and fears have been dispelled. They have been proved false. Today, the world acknowledges that the percentage of voting that took place here in the last elections,—1951-52—was perhaps the best in any country which is termed undeveloped. Considering the voting which took place even in America —the voting which took place in the last general elections there for electing the President—our percentage is better. There, the voting came to hardly 48 per cent. In our own country, where we were embarking on adult franchise, with free elections for the first time, our voting has been more than 51 per cent. it is nearly 52 per cent. Therefore, it is no longer necessary to have any terms for enforcing voting by compulsion.

Another point which my friend, Mr. More, raised was that a minority of votes placed a majority party in power. My submission to him is that the only way in which you can elect a party in proportion to the votes it gets is by a single transferable voting system. I ask Mr. More in all seriousness whether he thinks that in the conditions existing in India today, it would be possible for the people in India to vote according to the single transferable voting system. It requires a great deal more of education and experience. It would not be possible in the present context of large millions of people going into polls to have voting by proportional representation.

Shri Punnoose : Will the hon. Member explain why proportional representation requires more of education for the voters?

Shri Venkataraman : Because, even as it is, when the voting paper is filed where you are asked to tick off mistakes occur. But in single transferable voting the elector has to express his choice in 1, 2, 3 and so on. This presupposes that the elector knows, the numerals up to 3 or 4. It is well known that today their education is so little that it is not possible for them to write the numerals. Without writing the numerals, it is not possible to have a single transferable voting system.

Let me ask the question whether it is desirable even if it were practicable. In France, they have a single transferable voting system, but what is the result? There is no stable Government at all. The majority of the electors voting for a particular candidate go generally by the party to which the candidate belongs, and if the party is elected on that basis, certainly it means that the people of that constituency approve of the policies which are adumbrated by the party which seeks eletcion. I

[Shri Venkataraman]

ask what is wrong if the majority in each constituency, howsoever small it may be, desire to have a particular party to run their administration? It is not necessary that the party should command the majority in the country. In that case, there should be only one constituency and there should not be any territorial constituencies. The very concept of having territorial constituencies with single-member seats shows that in each area the local opinion is ascertained and the sum total of the local opinion ascertained is allowed to prevail in the country. Otherwise, if you want that the party which should form the Government should get the majority of the votes, the whole country should be formed into one constituency and the opinion taken. It can happen only in the case of list voting and not individual voting. We are all aware of the defects of list voting; it is the beginning of fascism. All countries which started with list voting have ended in fascism. Mussolini started it and we know the result. I, therefore, submit that this is only impracticable, but it is also undesirable that we should have election on that basis.

Sir, I have given some amendments to the various clauses and I shall deal with them later.

Pandit Munishwar Dutt Upadhyay (Pratapgarh Distt.—East): Mr. Speaker, although the Select Committee has succeeded to a very great extent in improving the Bill, still I find there are a few points to which I want to draw the attention of the House. The object in simplifying the nomination procedure was that there should be no risk. When we have completed the election, election expenses have been incurred and the whole procedure has been gone through, if the nomination is questioned and if on the basis of improper nomination the whole election is set aside, there is a great risk. The candidates who participated in the elections have incurred expenses and botheration. Government also incurs expenses. We wanted to provide against this risk. We wanted to have some safeguard. That is why there is this simplification of the nomination procedure. We wanted to have finality at the stage of nomination. But, now we find that still, in spite of the simplification to a considerable extent, one of the grounds of petition can be improper acceptance or rejection of nomination paper. The risk still remains there. I could not go into the details in the short time at my disposal as to how could that be obviated. What I want to say is that this improper acceptance or rejection of nomination paper should not remain one of the grounds of petition. Because, in that case, it is likely that there are a number of candidates, and if some of the candidates are not very serious and their papers have been either wrongly accepted or rejected, that could be a ground of petition later on and the whole election could be set aside on that ground.

Shri Velayudhan (Quilon *cum* Mavelikkara—Reserved—Sch. Castes): In a double member constiuency, it affects the other candidate too.

Pandit Munishwar Dutt Upadhyay: The nomination papers of even those who are not contesting the elections can effect the entire election and effect the other candidates also. We have not been able to make any provision here. If we could have a provision that there should be an earlier finality and that this should not be a ground of petition, that would be the best course, and the object in simplifying the nomination procedure would be achieved.

The other point is ceiling on expenses. Dr. Krishnaswami—he is not here—when he was speaking, said that that it was abolished. I do not know how he says that it was abolished. The ceiling is still there. He appears to be a great advocate of democracy also. In the development of democracy he also mentioned certain stages. If he had really considered that for a proper and satisfactory development of democarcy it was necessary that there should be political parties in the country, this regime of independants contesting elections should disappear. It is only then that we can achieve what is obtaining in other countries which have a democratic system of elections. My submission on this point is that it will encourage the development of party system in the country, and it is a very good provision. It should be welcome to everybody.

Another aspect of the question that I wanted to deal with is about the submission of election expenses returns. As Pandit Thakur Das Bhargava said, there is no use in having this submission of return by persons whose elections are not challenged by election petitions. I

agree with him that generally it is very difficult to have a clear conscience in preparing these accounts which you submit. Sometimes you do not remember, there are so many people spending, there are so many sources of income and expenditure and it is very difficult to keep accounts accurately. Why spoil your conscience also in submitting this return if you can avoid it? Although it might sound very strange that in other countries these returns are submitted, it is not necessary that we should copy these things from other countries if we can have a better system.

Shri Kasliwal : The returns have been very much simplified.

Pandit Munishwar Dutt Upadhyay : I am coming to that.

The returns have been simplified, there is no doubt. Still, the filing of returns should not be made compulsory in all cases. I do not agree with Pandit Thakur Das Bhargava when he says that the persons who have to file election petitions could know from the electorate and from the constituency on what points they should file those petitions, and therefore they should not be allowed to look into the returns for getting a ground for their petitions. I do not agree with him there.

So far as the returns go, they should be a ground for petition. The defects in the returns, the mistakes in the returns and any other point that is objectionable in the returns should be made a ground for the petition. For that, I would propose this procedure.

The persons who want to file petitions against any elected candidate should give notice of their intention to do so within a limited period, say, seven days or fifteen days. Within that period, if they give notice of the fact that they intend to file a petition against a particular candidate who has been elected, in that case, the election returns of the particular candidate who has been elected should be required to be filed by a particular date which should not be very long after the elections, so that the petitioners should have a right and should have an opportunity to look into the returns filed, and they may have a ground for their petitions also from those returns.

If that procedure is adopted, then those who file the petitions can have an opportunity to see the returns and have a ground for their petitions also from those returns; and other persons against whom no petition is to be filed will not be unnecessarily required to file the returns.

I absolutely agree with my hon. friend Pandit Thakur Das Bhargava that so far as these returns are concerned, they never see the light of day. Nobody sees them. Nobody knows what is written in them. They are absolutely waste paper, if no election petitions are filed. In fact, they are never allowed to be opened under the law, unless there are election petitions. So, they are an absolute waste.

I would submit that everybody should not compulsorily be required to submit the election returns. Only persons whose elections are likely to be questioned should be required to do so.

From clause 83, I find that those elections which are likely to be held in the near future, and for which notifications have been issued already, have all been excluded from the purview of this legislation. I think that even those cases that are pending in the courts should have the advantage of this better legislation that we are placing on the statute-book now. In the present law, there are so many things objectionable, which we thought we should overhaul, and in fact, we have tried to overhaul them to a very great extent. But if you do not allow any advantage out of this overhauling to those persons who are still either at the tribunal stage or in the High Court, they would not be able to drive any benefit out of this present measure. Even if you do not allow this Bill to apply to those persons who have gone to the High Court or the Supreme Court, at least if you allow this Bill to apply to those petitions which are before the tribunal which deals with facts, with law and with every other aspect of the question, then some relief would be available to those persons also.

Shri Altekar (North Satara): Can it be made retrospective?

Pandit Munishwar Dutt Upadhyay : What is the harm? To the extent it can be made retrospective, it should be made retrospective.

These are the three points I wanted to submit.

Shri Tek Chand (Ambala-Simla) : Mr. Speaker, Sir, the Bill, as it has emerged from the Select Committee, has made

[Shri Tek Chand]

many strides and there have been noticeable improvements. Nevertheless, there are still some gaping lacunae which deserve to have been noticed or adequately dealt with. There are a few blemishes yet.

I am happy that the tribunal of three is no longer going to be the final arbiter and that the tribunal is going to be manned by a District Judge. A list will be furnished by the High Court as to persons who are deemed to be fit among District Judges to discharge this important duty. But I wish in the artificial definition of 'District Judge' there had also been included experienced Civil Judges and even perhaps senior lawyers approved of by the High Court, because there may not be sufficient number of District Judges who may be able to cope with this work in addition to their otherwise full day's list and work that they have to do.

Shri Kasliwal: Additional District Judges are included.

Shri Tek Chand: Only Additional District Judges are included, but not Civil Judges.

Again, one curious lacuna I notice is that the power of transfer is conferred upon the Election Commissioner and not up on the High Court. Again, before the Election Commission you can make an application for transfer of your case from one District Judge to another, but you have no opportunity occasion to address oral argument in order to say why you seek transfer, and thus buttress your point of view by oral submissions, whereas such a thing is possible before the Apellate Court, namely, the High Court. It would have been more advisable to have conferred the Jurisdiction in respect of applications for transfer from the court of one District Judge to another—as election tribunals—upon the High Court than upon the Election Commission.

Regarding other matters, it is regrettable that the period during which electioneering is to go on is reduced from 30 days to 21 days. I wish the original provision of 30 days had been kept. A week does make a lot of difference to the candidate, but an extra week will not make any difference so far as administrative convenience is concerned.

Then an hon. Member from the communist party took umbrage as to the retention of the disqualification under the heading 'disloyalty to the State'. Its retention is absolutely necessary. 'Disloyalty to the State' is a well known expression and it has well known connotations, and it cannot be misused, as he suggested, into disloyalty to the Government. There can be no such thing as disloyalty to the Government; it is always disloyalty to the State. It is a well known expression with well defined limitations.

Then I feel considerably dissatisfied with the change now suggested in the original section 123. For instance, in the definition of 'corrupt practices' you have included certain things which seem to carry no punishment and yet a stigma clings.

For instance, in the list of corrupt practices, you have included impropriety of conduct as enumerated, provided that has been committed by the candidate or by his agent. This is understandable and this ought to be so. But, when you are adding 'or by any other person', without adding the words 'with the connivance of the candidate or his agent', it will lead to curious results. Everywhere, the qualifying words 'with the connivance of the candidate or the agent' have been omitted. I wish that it had not been done. Pandit Thakur Das Bhargava endeavoured to give an explanation. He said that no harm would come to the candidate by their omission because we have provided in section 100 that a corrupt practice will be deemed to be a corrupt practice when committed by the candidate or by his election agent or by someone with his consent. I submit that that would be pointless. Here, you have gone again to the other extreme. You have used the inappropriate word 'consent' when you ought to have used the 'connivance'. So far as I am aware, 'consent' includes communication or indication of one's state of mind assenting to a suggestion. A man need not consent; yet he may connive at because his friends know what he wants and they can go on carrying out what he wishes without his having expressed his consent directly or indirectly. Therefore, instead of the word 'consent' there ought to be the word 'connivance'. Otherwise, it may not be possible to catch hold of the guilty persons. I feel that the law as it is much better expressed than the law as it is sought to be modified now.

With regard to the provision regarding divine displeasure and invoking appeals to religion, to caste and to community, I have got something to say. The word 'systematic' ought not to be there. A leader of a religious community with a large following, at a large gathering, can make one appeal and inflame the religious sentiments of the people. That is sufficient especially when there has been flare-up of communalism on politico-religious lines. Therefore, systematic appeal means that you can go on committing the offence once, twice or even thrice or occasionally and the defence every time will be that the appeal has not been systematic but sporadic. Apart from the omission of the word 'systematic', I suggest that when the appeal is by persons other than the candidate or his agent, then, it ought to be with their connivance and not otherwise.

It is regrettable that certain notorious corrupt practices have been excluded now under the new law that is going to assume shape and form during these days. For instance, under the existing section 123(3) and (4), procurement of a ballot paper in the name of a fictitious person, living or dead, or the removal of a ballot paper from the polling stations are treated as major corrupt practices. I do not find them in the corresponding new section, though, to my mind, so far as the heinousness is concerned, they are as intense as the corrupt practice of bribery or undue influence. Similarly I find that the list of illegal practices has completely disappeared. There are two illegal practices contemplated, namely, under sub-section (2) and sub-section (3) which are of serious gravity and which relate to the sale of intoxicating liquor, etc. They should have been retained among the disqualifying clauses in the Act.

6 P.M.

Lastly, I wish to inviate the kind attention of the hon. Minister to article 326 of the Constitution which says in so many words and specifically mentions illegal practices, and yet without bringing about a corresponding change in the Constitution, our election law is *minus* illegal practices. How the hon. Minister is going to reconcile it is for him to say. I wish to bring this matter to his notice. Certain illegal practices are there which are worthly of being retained in the interest of the purity of elections. That is all that I can say within this short space of time.

The Lok Sabha then adjourned till Half Past Ten of the Clock on Wednesday, the 16th May, 1956.

COLUMNS COLUMNS

PAPERS LAID ON THE TABLE . . . 8361–67, 8444

The following Papers were laid on the Table.

(1) Second Five Year Plan.

(2) Notification No. AR./1937 (9), dated the 13th February, 1956 together with the Explanatory Note, making certain further amendments to the Indian Aircraft Rules, 1937.

(3) Certain Ballot Pappers of Municipal Election of Jammu and Kashmir.

MESSAGES FROM RAJYA SABHA . 8367–68

(1) Secretary reported to Lok Sabha that the Rajya Sabha, at its sitting held on the 14th May, 1956, had concurred in the recommendation of the Lok Sabha to join in the Committees on the Second Five Year Plan proposed in the Thirty fifth Report of the Business Advisory Committee of the Lok Sabha.

(2) Secretary also reported to Lok Sabha that the Rajya Sabha, at its sitting held on the 11th May, 1956, had agreed without amendment to the Parliamentary Proceedings (Protection of Publication) Bill, 1956, passed by the Lok Sabha on the 4th May, 1956.

CONSIDERATION OF BILL 8368–8498

The motion to consider the Representation of the People (Second Amendment) Bill as reported by the Select Committee, was moved by the Minister of Legal Affairs Shri Pataskar. The discussion was not concluded.

AGENDA FOR WEDNESDAY, 16TH MAY, 1956—

Further consideration of Representation of the People (Second Amendment) Bill, as reported by Select Committee.

GIPN—S3—126 Lok Sabha—Date 6-2-57—840